

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,
4 v. 18 Cr. 319 (SHS)
5 CHRISTIAN PABON,
6 Defendant.

7 -----x Trial
8 New York, N.Y.
9 May 3, 2022
10 9:55 a.m.

11 Before:

12 HON. SIDNEY H. STEIN,
13 District Judge and a Jury

14 APPEARANCES

15 DAMIAN WILLIAMS
16 United States Attorney for the
17 Southern District of New York

18 BY: ADAM S. HOBSON
19 RUSHMI BHASKARAN
20 ELIZABETH A. ESPINOSA
21 Assistant United States Attorneys

22 ELIZABETH E. MACEDONIO, P.C.
23 Attorneys for Defendant

24 BY: ELIZABETH E. MACEDONIO

25 ROTHMAN, SCHNEIDER, SOLOWAY & STERN, LLP
Attorneys for Defendant
BY: JEREMY SCHNEIDER

Also Present: Emily Abrams, Paralegal Specialist, USAO
Dylan Schneider, Defense Paralegal

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1 (Trial resumed; jury not present)

2 THE COURT: Please be seated in the courtroom.

3 The jury is here. They've been here for a while.

4 Apparently there are transportation issues with bringing the
5 defendant from the MDC. The marshals are working on it. We're
6 told they should be here momentarily.

7 I have a submission -- it's ECF-525 -- in which the
8 government is asking for a curative instruction. It believes,
9 and I think they're right, that the inference, the strong
10 inference to be drawn by the jury or that can be drawn by the
11 jury, could be drawn by the jury after the defense opening was
12 that they have to find that he was the triggerman: "The
13 question that you have to decide is if Christian Pabon was the
14 triggerman."

15 I don't think that's quite it, and the government is
16 proposing a curative instruction. What's the position of the
17 defense as to that?

18 MS. MACEDONIO: Your Honor, I respectfully disagree.

19 The government also argued in its opening statement
20 that there were two gunmen and that the second shooter was
21 arrested. They've also asked for a stipulation in this case
22 with respect to the prior conviction of Marcos Espinal, who was
23 the person who was responsible or who has pled guilty in the
24 state for Orlando Rivera's death. I argued in my --

25 THE COURT: Wait. You're saying there is a

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1 stipulation?

2 MS. MACEDONIO: Yes.

3 THE COURT: A stipulation of fact that this person

4 pled guilty --

5 MS. MACEDONIO: Yes.

6 THE COURT: -- in the state.

7 MS. MACEDONIO: Yes.

8 THE COURT: All right. Fine. I take it that hasn't

9 come in yet.

10 MS. MACEDONIO: It has not come in yet.

11 THE COURT: All right.

12 MS. MACEDONIO: We certainly anticipate that it will.

13 We've all stipulated to it.

14 THE COURT: OK.

15 MS. MACEDONIO: The government first argues that there
16 were two men who pulled guns and that the second shooter was
17 arrested. I then argued the same. I argued that there were
18 two shooters, that there were five men who participated and
19 that, one of the things I told the jurors they would have to
20 decide is if Mr. Pabon was responsible for Orlando Rivera's
21 death.

22 THE COURT: I don't know if this is an accurate quote.

23 I assume it is. I didn't check it. It's from the transcript,
24 page 29, 11 to 12. I think the transcripts were only given to
25 me electronically so I don't have it printed out, and the quote

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1 is, "The question that you have to decide is if Christian Pabon
2 was the triggerman."

3 MS. MACEDONIO: I'm sure I did say that, your Honor.

4 However, when it's taken into context with all of the arguments
5 from both sides that there were two triggermen, from both
6 sides, that there's already been another defendant who was
7 arrested and pled guilty in the state, and then a second
8 argument from me in which I said you're going to need to decide
9 if he is responsible for Orlando Rivera's death.

10 THE COURT: That part I don't have a problem with.

11 MS. MACEDONIO: I think if you take the argument as a
12 whole, in addition with what's going to be the Court's final
13 jury instructions with respect to aiding and abetting, there's
14 no reason at this point to highlight the fact that I said that
15 you need to decide who is the triggerman.

16 I think what the overall argument is is there's two
17 shooters. The government's argument is he's one of them, and
18 what I was trying to portray to the jury is you're going to
19 need to decide if he's one of those shooters. That's simply
20 what I was trying to advance, your Honor.

21 THE COURT: OK. I understand. Again, I'm concerned
22 about the statement you have to decide what, the question you
23 have to decide is if Christian Pabon was the triggerman. I'm
24 going to modify what the government has proposed and say
25 simply:

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1 The defense implied during the opening that the jury
2 must find that the defendant was the person who fired the shot
3 that killed Mr. Rivera. In order to convict the defendant of
4 Count Two, murder in aid of racketeering, you don't have to
5 find that Mr. Pabon ultimately fired the fatal shot. As I'll
6 tell you later on in the trial, he's charged with murdering
7 Mr. Rivera in aid of racketeering and also aiding and abetting
8 the murder. Aiding and abetting means that the defendant can
9 be convicted either if he committed the crime himself or if he
10 aided and abetted the commission of the crime by others.
11 Again, I'll explain all of this to you at the end of the trial.

12 I'll say that.

13 MS. MACEDONIO: Your Honor, I just want to make one
14 brief argument before the Court makes its final ruling.

15 THE COURT: Yes.

16 MS. MACEDONIO: I think what's at the heart of the
17 issue here is it's an identification issue. Right? So can the
18 jurors decide that one of the people who is shooting on this
19 video is indeed Christian Pabon. It's not whether or not his
20 shot was the fatal shot or anyone's shot was the fatal shot.
21 Indeed, what they need to decide is is this man the person on
22 the video? Can they establish that he is one of the
23 triggermen, not whether or not his bullet actually was the one
24 that killed Orlando Rivera.

25 THE COURT: All right. That's fine. I understand

1 that. I assume, though, that it's more than is he the guy in
2 the video. I assume based on the government opening that
3 there's going to be testimony from others that he was. Isn't
4 that right?

5 MS. MACEDONIO: I would think there would have to be
6 testimony from others --

7 THE COURT: Right.

8 MS. MACEDONIO: -- that he was, that he's the man.
9 But what I'm saying, your Honor, is I just don't think at this
10 point a curative instruction is necessary.

11 THE COURT: All right.

12 MS. MACEDONIO: I think if your Honor is intending to
13 do that, I don't know that you need to call the defense out in
14 saying that. I think that you could simply say, as I will
15 explain to you later, you do not need to make --

16 THE COURT: All right. I think that's fair. Let me
17 change it accordingly. I think that's fair.

18 MS. MACEDONIO: Thank you.

19 THE COURT: All right. I'm going to adopt the
20 suggestion of Ms. Macedonio and I'll say, in essence, as I'll
21 explain to you later, ladies and gentlemen, you don't need to
22 find the defendant fired the fatal shot in order to find him
23 guilty of Count Two, murder in aid of racketeering. As I'll
24 explain later, he's charged with the murder and also in aiding
25 and abetting the murder. Aiding and abetting means he can be

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1 convicted either if he committed the crime himself or if he
2 aided and abetted the commission of the crime by others. In
3 any event, you do need to find beyond a reasonable doubt each
4 of the elements of Count Two in order to find him guilty.

5 All right?

6 MS. MACEDONIO: Your Honor, I understand and respect
7 the Court's decision, but for the record, I'm still objecting.

8 THE COURT: Of course. I understand that.

9 Now, I'm told there were other issues. What are the
10 other issues?

11 MS. ESPINOSA: Your Honor, briefly, just two other
12 issues.

13 First, we have conferred with defense counsel and
14 understand that they intend to try to elicit on
15 cross-examination from Det. Gill information about the results
16 of certain DNA tests that were conducted in the course of the
17 investigation. The actual results of the DNA test will be
18 hearsay, as Det. Gill did not run those DNA analyses and is not
19 able to authenticate the DNA reports themselves.

20 THE COURT: Just let me think about that.

21 All right. Go ahead.

22 MS. ESPINOSA: So, introducing the actual results of
23 the DNA test would be hearsay because Det. Gill, as I said, is
24 not able to authenticate it, explain it, and nor did he conduct
25 that analysis. He would certainly be able to, if he remembers,

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1 testify whether or not DNA analysis was done or anything of
2 that nature but not testify as to the substance or results of
3 the tests themselves.

4 THE COURT: Is this on the bullets?

5 MS. ESPINOSA: Not on the bullets but other items that
6 may have been -- there were other items in evidence that were
7 tested for DNA, not the bullets.

8 THE COURT: All right. Go ahead.

9 MS. ESPINOSA: And that is the crux of the defendant's
10 argument. We think that further introducing that without an
11 expert who can actually explain the DNA results would be
12 misleading to the jury, as they're fairly complicated DNA
13 results. At least a number of them have mixtures of DNA.

14 THE COURT: A couple of them what?

15 MS. ESPINOSA: Are mixtures of DNA, which means they
16 may have had multiple donors that contributed to the DNA
17 sample. Other results were insufficient for DNA comparison.
18 And so without someone who can actually explain that to the
19 jury, any evidence of the results of the DNA tests would be
20 misleading, and hearsay, as we started out.

21 THE COURT: All right. What's the other issue?

22 MS. ESPINOSA: The other issue is more of a
23 housekeeping issue, your Honor. We anticipate asking several
24 of our witnesses to do in-court IDs. We want to ask how you
25 would like us to handle that with masks.

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1 I'm told that potentially in other cases judges have
 2 directed everyone in the well of the courtroom to take their
 3 masks off during the time of the ID. That may be one option.
 4 I don't know if your Honor prefers to do it differently .
 5 THE COURT: What's the position of the defense?
 6 MR. SCHNEIDER: I guess we'd like to know which
 7 witnesses they're talking about so we can think about what the
 8 appropriate response would be.
 9 THE COURT: I don't think it matters the circumstances
 10 under which an in-court identification will be attempted to be
 11 made.
 12 MR. SCHNEIDER: Well, if you're talking about
 13 so-called confirmatory IDs from the cooperators who say they
 14 knew the defendant, I think that's one thing. If you're
 15 talking about civilian witnesses who don't know the defendant,
 16 that's something different. And that would affect -- we may
 17 even consent, so I'd like to know what the issue is, and we may
 18 be able to bypass it and just stipulate if we think it's
 19 appropriate. So we'd like to know.
 20 THE COURT: Government.
 21 MS. ESPINOSA: Your Honor, we anticipate asking
 22 cooperating witnesses to make an ID, and the cooperating
 23 witnesses knew the defendant personally.
 24 THE COURT: Keep your voice up. And the cooperating
 25 witnesses --

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1 MS. ESPINOSA: Knew the defendant personally.
 2 THE COURT: Yes.
 3 Let me the defense before I rule.
 4 MR. SCHNEIDER: Actually, your Honor, we don't really
 5 care -- not that we don't care.
 6 THE COURT: Yes, I understand. Those in the well will
 7 be asked to take their masks off.
 8 MR. SCHNEIDER: OK. That's fine.
 9 THE COURT: Let's go to the first one, the DNA tests.
 10 MR. SCHNEIDER: Yes.
 11 THE COURT: What's your position on the DNA tests?
 12 MR. SCHNEIDER: OK. I did inform the government I do
 13 intend to elicit from Det. Gill very specific DNA results .
 14 Only two. One is that Marcos Espinal is positive. He's the
 15 one who pled guilty already, and Espinal is interviewed by this
 16 witness, Det. Gill. After he was arrested, they got a search
 17 warrant for DNA from him and he was -- it was a positive
 18 result, No. 1.
 19 THE COURT: What does positive mean, sir?
 20 MR. SCHNEIDER: Oh, that 10 billion, whatever the
 21 number is, it was him. I'm not going to address any of the
 22 other contributor, other possible contributors or multiple
 23 donors. And the result that this witness knew in his own
 24 paperwork -- he meaning Det. Gill, indicated a positive hit as
 25 a result of a DNA test to Marcos Espinal. OK?

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1 There was also one other person, Adriano Cesar, also
 2 known as Necio. There was a positive hit as to him as well --
 3 and again, positive hit meaning basically beyond any dispute.
 4 Now, the reason that's important is a couple things.
 5 No. 1, it goes to the --
 6 THE COURT: No, but how do I deal -- before you go on,
 7 how do I deal with the jury understanding what that means? In
 8 other words, I myself don't know what a positive hit means .
 9 Aren't they entitled to know what that means? Presumably he
 10 can't tell us.
 11 MR. SCHNEIDER: Well, first of all, I'm not so sure he
 12 can't. But let's assume he can't.
 13 THE COURT: Right.
 14 MR. SCHNEIDER: OK. Let's assume he can't.
 15 THE COURT: I take it the representation of the
 16 government is he's not an expert on DNA tests.
 17 MS. ESPINOSA: That's correct, your Honor. He's not
 18 able to interpret or explain the DNA results themselves.
 19 THE COURT: All right. That's a little broader.
 20 Go ahead, sir.
 21 MR. SCHNEIDER: Well, first of all, if they start
 22 asking about DNA on their direct examination of the bullets --
 23 THE COURT: Sir, you're probably better off going to
 24 the podium and taking your mask off.
 25 MR. SCHNEIDER: I'm sorry.

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1 THE COURT: The bullet point is a separate point, and
 2 I've had it in other cases. And I'm no expert on bullet s, but
 3 apparently, as he said, firing the bullet essentially destroys
 4 any, I think he said oils. Bullets you can't get DNA. That's
 5 all they did with that.
 6 MR. SCHNEIDER: I understand that. But the point is
 7 there are other things that you can get DNA from, and this
 8 detective submitted those items to the lab to be tested. And
 9 he received positive -- he received a report that says a hit
 10 for a particular defendant, a particular suspect, not
 11 defendant, particular suspect and he gave the names. So the
 12 reason that's important is because regardless of what it means
 13 to a jury, it's enough. As an investigative tool, it's enough
 14 that this detective would know, wait a second, this person
 15 touched this piece of evidence. Therefore, that person is a
 16 possible either witness or suspect or perpetrator. Therefore,
 17 I should speak to that person. That should be part of his
 18 investigation.
 19 It's not really being offered for the truth of the
 20 matter. We are not saying, because Marcos Espinal already pled
 21 guilty, so that's irrelevant. Right? We know he, quote, did
 22 it. So we're not saying the other person who came back with a
 23 positive hit was another shooter. We're saying that this
 24 detective should have pursued that person either as a witness
 25 or suspect in terms of his investigation. So the results don't

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1 matter.

2 What matters is that this detective acted in a way
3 that's either consistent or inconsistent with a good
4 investigation in following up leads. When someone is given the
5 name of someone who was at the scene and they don't follow up,
6 that's a question the jurors can decide is relevant or not. So
7 I don't think they even need to know what the numbers are --
8 they meaning the jury. The jurors need to know that this
9 witness, Det. Gill, received information from the lab which
10 gave them the name of somebody, and then he chose to either act
11 on it or not act on it. That's all.

12 I'm telling you now I do not intend to argue that the
13 other person, Mr. Adriano Cesar, was the shooter. OK? I do
14 not intend to argue that or I do not intend to argue that he is
15 the person that was with Marcos Espinal. I do intend to argue,
16 possibly, that this detective didn't do what he should have
17 done in terms of the investigation and that there were other,
18 alternative perpetrators that could have been viewed or
19 interviewed by this detective. So it's more a matter of what
20 he did as a result of getting the hit, which is not hearsay,
21 and again, it's not being offered for the truth of the matter.
22 So that's what I think the relevance is.

23 THE COURT: I understand.

24 Government.

25 MS. ESPINOSA: Your Honor, defense counsel described

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1 tested. Years later. They could have done that with
2 Mr. Pabon.

3 THE COURT: OK. I understand. This is what I'm going
4 to do. The jury isn't going to know what to do with the
5 results of the DNA test because they don't know anything about
6 DNA tests, and apparently there's not going to be any witness
7 for it. I think it would be a detour here. I'm going to
8 exclude it under 403, and it is hearsay. I am going to let you
9 ask this detective, obviously, what he did in connection with
10 his investigation. That you can do.

11 MR. SCHNEIDER: I understand. Obviously I object.

12 THE COURT: OK.

13 MR. SCHNEIDER: But may I? I don't want to get in
14 trouble during the questioning.

15 THE COURT: Oh, I think that's going to happen. Go
16 ahead.

17 MR. SCHNEIDER: No, I don't think so. That's why I
18 want to deal with it now, so you don't get mad at me. I want
19 to make sure I can at least ask him was DNA done, was it sent
20 and did the lab test, without getting into the content of the
21 results. I think that's appropriate.

22 THE COURT: All right. Go ahead.

23 MR. SCHNEIDER: And my question would be after you
24 received results from the DNA lab, did you speak to any other
25 people as a result of those tests? That's the very same thing

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1 as you always ask about hearsay, a 911 call.

2 THE COURT: OK.

3 Government position.

4 MS. ESPINOSA: Your Honor, we think that's fine.

5 THE COURT: OK. We're going to do that.

6 Now, remember, also, by the same token, sir, they are
7 going to get an instruction that law enforcement techniques are
8 not at issue here.

9 MR. SCHNEIDER: I know.

10 THE COURT: OK.

11 MR. SCHNEIDER: But not now. You mean at the end of
12 the case.

13 THE COURT: Yes. Oh, yes. Absolutely.

14 MR. SCHNEIDER: Of course.

15 THE COURT: Let's bring this jury in.

16 Ms. Blakely, whatever the issue was with the
17 transportation, find out if it's going to be recurrent.

18 I'm going to tell the jury what is the truth; that is,
19 we were dealing with legal issues. All right?

20 And the record should show the defendant came in
21 during the course of this legal discussion.

22 (Continued on next page)

(Jury present)

THE COURT: You may be seated in the courtroom.

Good morning, ladies and gentlemen. It's now a little after 10:30, and I asked you to be here at 9:15. Almost all of you were, and I very much appreciate that. Those of you who weren't came in shortly thereafter. I apologize to you because we had some legal matters to handle, and there were some mechanical issues. That happens from time to time. I certainly am going to try to keep it to an absolute minimum, but especially at the beginning of a trial, sometimes legal issues arise until the parties become more familiar with my procedures and my rulings. So I apologize for that. But we're here now, and we will continue with the testimony.

I do want to tell you, ladies and gentlemen, and I'll explain this to you later in the trial as well, you don't need to find that Mr. Pabon fired the fatal shot at Mr. Rivera in order to find him guilty of Count Two, which is murder in aid of racketeering. Mr. Pabon is charged with murdering Mr. Rivera in aid of racketeering and also in aiding and abetting that murder.

Aiding and abetting means that Mr. Pabon may be convicted either if he committed the crime himself -- that is, he actually did the shot, the fatal shot -- or if he aided and abetted the commission of the crime by others. In any event, whether you find him guilty of murder or aiding and abetting --

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that is, firing a shot -- or aiding and abetting the murder of Mr. Rivera, you do need to find beyond a reasonable doubt each of the elements of Count Two before you can find Mr. Pabon guilty of having committed Count Two. And I'll explain later on what the elements are and so forth. I just wanted to let you know that.

All right. Put your witness on the stand again, please. Bring in Det. Gill.

GEORGE GILL, resumed.

THE COURT: Good morning, Det. Gill. Welcome. You may remove your mask again, sir.

I remind you you remain under oath. You understand that, correct?

THE WITNESS: Yes, I do, your Honor.

THE COURT: Again, move close to the microphone.

Your witness.

MS. ESPINOSA: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

M53Wpab1 Gill - Direct

BY MS. ESPINOSA:

Q. Good morning, Detective.

A. Good morning.

Q. Do you recall that we were talking about crime scene evidence we ended yesterday?

A. Yes, I do.

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Q. Could you remind us what types of evidence were found at this crime scene?

A. There was ballistics evidence and he had a cell phone.

Q. And was any video collected from the scene of the murder?

A. Yes, there was.

Q. All right. Did you or someone you worked with collect video from 1653 St. Nicholas?

A. Yes.

MS. ESPINOSA: Ms. Abrams, can you please pull up Government Exhibit 901.

Q. Now, Det. Gill, could you just orient us, please. What street can you see in this video?

A. This is Fairview Avenue. On top of the hill, on the right, is where St. Nicholas Avenue starts. On the left is where Fort George Hill ends.

MS. ESPINOSA: Your Honor, it appears we have some difficulty with the monitors at defense table. And it appears the jury also cannot see it on all of the monitors.

THE COURT: Can the jurors see it?

Is there any juror who can't?

All right. Is that because the monitor is down?

All right. Let's see. Maybe we should press a button

or try kicking it.

Anything?

All right. We'll try to have that corrected.

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Meanwhile, look at one of the other screens.

Can the defense see what's on the screen?

MR. SCHNEIDER: Now we can.

THE COURT: All right. Let's proceed.

BY MS. ESPINOSA:

Q. Now that the monitors are up, Detective, can you please point out, just reorient us to the streets, briefly.

A. This is going to be Fairview Avenue, an uphill shot, video shot of Fairview Avenue. On top of the hill, top of the page, on the right side is going to be St. Nicholas Avenue, beginning of St. Nicholas Avenue. And on the left side is going to be the end of Fort George Hill.

THE COURT: All right. So if I understand your testimony yesterday, sir, you see where it looks like it may be a telephone booth?

THE WITNESS: Yes.

THE COURT: I just lost it.

There, see that on the right, the telephone booth; circle that so the jury can see where it is.

OK. Is that basically where those yellow cones were with the crime scene evidence?

THE WITNESS: Yes, your Honor.

THE COURT: OK.

THE WITNESS: That's where it was, on the sidewalk and on the street.

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1 THE COURT: I'm sorry.
 2 THE WITNESS: It was on the sidewalk and on the
 3 street.
 4 THE COURT: OK.
 5 Does the jury have the orientation of that?
 6 All right. Let's proceed.
 7 MS. ESPINOSA: Thank you, your Honor.
 8 Ms. Abrams, can you please play this video.
 9 (Video played)
 10 MS. ESPINOSA: All right. Thank you, Ms. Abrams. Can
 11 you please hit play again.
 12 THE COURT: Does the record reflect what exhibit this
 13 is?
 14 MS. ESPINOSA: Your Honor, just for clarity, this is
 15 exhibit 901, which was admitted yesterday pursuant to
 16 stipulation S7.
 17 (Video played)
 18 MS. ESPINOSA: Ms. Abrams, can you please pause.
 19 Can you go back about five seconds. Thank you.
 20 (Video played)
 21 MS. ESPINOSA: Please pause there.
 22 Q. Detective, looking at the screen, what do you see?
 23 A. I see cars traveling on the street, parked on the street .
 24 Q. Any particular cars?
 25 A. I have a brown van traveling downhill, and I have two cars

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1 parked at the light.
 2 Q. And which direction is that van traveling?
 3 A. That's going to be traveling from west -- sorry, from east
 4 to west downhill on Fairview Avenue.
 5 MS. ESPINOSA: Thank you.
 6 Ms. Abrams, you can resume playing.
 7 (Video played)
 8 MS. ESPINOSA: Ms. Abrams, you can pause there.
 9 Q. Sir, what do you see on the screen?
 10 A. I have a male who entered the bottom of the screen, walking
 11 on the sidewalk.
 12 MS. ESPINOSA: And we can resume playing.
 13 (Video played)
 14 MS. ESPINOSA: Ms. Abrams, you can hit pause.
 15 Q. Detective, what do you see now?
 16 A. Two additional males entered the screen and are walking
 17 uphill Fairview Avenue.
 18 MS. ESPINOSA: Ms. Abrams, you can resume playing.
 19 (Video played)
 20 MS. ESPINOSA: Pause there, please.
 21 Q. Sir, what do you see on the screen now?
 22 A. A fourth male appeared on the screen.
 23 MS. ESPINOSA: You may resume playing.
 24 (Video played)
 25 MS. ESPINOSA: Ms. Abrams, can you pause there,

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1 please.
 2 Q. Detective, what did you just see on the video?
 3 A. I saw four males walk up to the corner of St. Nicholas and
 4 Fairview Avenue. Two of them disappeared around the corner of
 5 the wall, the building, and reappeared, appeared as if they had
 6 outstretched hands, were jumping up and down , and then all four
 7 males are now running down the hill.
 8 MS. ESPINOSA: Ms. Abrams, I'd like to ask you to now
 9 play it at half speed and pause at three seconds, at one minute
 10 and 29 seconds.
 11 (Video played)
 12 Q. Sir, looking at the video, what, if anything, do you see in
 13 the hand of the male on the screen?
 14 A. It appears to be a black object in his hand in the shape of
 15 a handgun, and he's at the back end of the white parked car .
 16 Q. And sir, in your experience, have you previously reviewed
 17 video footage of individuals carrying firearms?
 18 A. Yes.
 19 MS. ESPINOSA: Ms. Abrams --
 20 THE COURT: Circle on the screen what you've described
 21 as in the shape, "it appears to be a black object in his hand
 22 in the shape of a handgun, and he's at the back end of the
 23 white parked car." Could you circle --
 24 I see. Thank you.
 25 THE WITNESS: You're welcome, your Honor.

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1 MS. ESPINOSA: Thank you, your Honor.
 2 Ms. Abrams, you can take that down now.
 3 THE COURT: Now, before you start that again,
 4 Detective, go up the hill, and there's an object on the
 5 sidewalk there. Do you see that?
 6 THE WITNESS: Yes, I do.
 7 THE COURT: Circle that so that the jury --
 8 Yes. Do you know what that is?
 9 THE WITNESS: I believe it was a baseball bat or an
 10 object like a pipe-type of object.
 11 THE COURT: All right. Thank you.
 12 MS. ESPINOSA: Ms. Abrams, you can take this exhibit
 13 down, and please pull up Government Exhibit 902.
 14 THE COURT: I'm sorry. I thought you were going to
 15 stay with 901.
 16 MS. ESPINOSA: Your Honor, we can put it back up .
 17 THE COURT: Yes. Put 901 back up.
 18 MS. ESPINOSA: Ms. Abrams, you can (inaudible) if that
 19 is easier.
 20 THE COURT: And start over again. I'll tell you when
 21 to stop.
 22 (Video played)
 23 THE COURT: All right. Stop.
 24 Detective, do you see that? What's that that the
 25 person that just came on the screen is carrying?

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1 THE WITNESS: I believe it is the same object that he
2 drops later on as he's walking up the sidewalk and which we
3 were just talking about.

4 THE COURT: What did you say you thought that was?

5 THE WITNESS: It's the same -- as he continues up the
6 hill he drops it onto the sidewalk.

7 THE COURT: All right. Let's take a look.
8 Continue, please.

9 (Video played)

10 THE COURT: I see. Stop. That's where he drops it.

11 Detective, is that where he dropped -- is that the
12 object on the ground that --

13 THE WITNESS: Yes, it is, your Honor.

14 THE COURT: And is that the object you saw just a few
15 moments ago?

16 THE WITNESS: In his hand, yes.

17 THE COURT: All right. Thank you.

18 I didn't mean to interrupt. Continue.

19 (Continued on next page)

1 MS. ESPINOSA: Thank you, your Honor.

2 Ms. Abrams, you can take down 901 and go to 902,
3 please. Please pause the video.

4 Sir, could you please tell us what screen -- I
5 apologize, what street we see on the screen here?

6 A. You are looking at, on top of the screen, Saint Nicholas
7 Avenue and to the far left is going to be Fairview Avenue.

8 Q. And the group of individuals standing on the sidewalk, are
9 they standing in front of any particular location?

10 A. They are standing in front of the entrance of the
11 courtyard, 1653 Saint Nicholas Avenue.

12 Q. Ms. Abrams, could you please put up Government Exhibit 244
13 side by side with 901. And I apologize. That was my mistake.
14 902, not 901.

15 Sir, could you please point out on the photo on the right,
16 Government Exhibit 244, where approximately that camera is
17 located?

18 A. I'm going to circle the building. If you want I could make
19 a little arrow where the camera --

20 Q. You can circle the building in the first instance, sir.

21 And let the record reflect that the witness has
22 circled 1653 Saint Nicholas Avenue.

23 And, sir, the line you drew on the screen, could you
24 please explain what that is?

25 A. The line just above it is going to be the entrance to the

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1 courtyard.

2 Q. And where approximately is the camera located?

3 A. It's going to be on the exterior front wall facing -- it
4 would be facing north.

5 Q. And just for clarity, is north -- what street is it facing
6 north towards?

7 A. It's going to be Fairview Avenue.

8 Q. Thank you.

9 Ms. Abrams, you can take down 244 and just resume with 902.

10 (Video played)

11 MS. ESPINOSA: Ms. Abrams, could you begin that video
12 again?

13 (Video played)

14 BY MS. ESPINOSA:

15 Q. Please hit -- play one more second. My apologies. Please
16 pause it.

17 Sir, do you recognize anyone on the screen?

18 A. Yes, I do.

19 Q. And who do you recognize?

20 A. Two of the victims.

21 Q. Could you please circle each of the victims on the screen.

22 A. (Witness complies).

23 Q. The circle around the individual on the -- more to the left
24 of the photo, who is that?

25 A. The one more to the street?

1 Q. The one standing closer to the building, closer to the ice
2 machine?

3 A. That's going to be -- she was a female victim.

4 Q. And then the other individual that you circled, who is
5 that?

6 A. That's going to be the deceased.

7 Q. All right?

8 THE COURT: Is the deceased Mr. Rivera?

9 THE WITNESS: Yes, your Honor.

10 BY MS. ESPINOSA:

11 Q. Ms. Abrams, you can continue playing.

12 (Video played)

13 Q. Ms. Abrams, please pause there.

14 Sir, what did you just see on the video?

15 A. Two of the males we previously saw walking up Fairview
16 Avenue now turn the corner, come into the video screen and
17 appear to be firing a weapon, weapons, at the people who were
18 standing in front of the courtyard. The people in front of the
19 courtyard are now taking cover. They are running.

20 Q. Could you please circle on the screen the location of the
21 two males that are shooting?

22 A. (Witness complies).

23 Q. Let the record reflect that the witness has circled an area
24 at the intersection of Fairview and Saint Nicholas.

25 Sir, can you also tell us where the yellow crime scene

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1 evidence markers we looked at yesterday are located relative to
 2 where those individuals are shooting?
 3 A. It's going to be right where they are and right behind them
 4 on the sidewalk and in the street behind them.
 5 Q. Ms. Abrams, you can resume playing.
 6 (Video played)
 7 Q. All right. Ms. Abrams, you can take that down. Please put
 8 up Government Exhibit 90 -- I apologize. We can go to 904.
 9 Please pause the video. Ms. Abrams --
 10 Before I do that, sir, what are we looking at here on
 11 the screen?
 12 A. This is Hillside Avenue, and to the right you are looking
 13 at the entrance of an open car parking lot.
 14 Q. The intersection that you can see at the top left of the
 15 screen, what street is that?
 16 A. Bogardus Avenue.
 17 Q. Ms. Abrams, could you please pull up Government Exhibit 444
 18 alongside with 904.
 19 Sir, could you please point out on Government Exhibit
 20 244 the location of the parking lot that we can see in the
 21 video?
 22 A. I'm going to circle the area.
 23 Q. Yes, please.
 24 A. (Witness complies).
 25 Q. Let the record reflect that the witness has circled an area

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1 near the intersection of Hillside Avenue and Bogardus at the
 2 top left of Government Exhibit 244.
 3 THE COURT: Looking on the left of your screen, sir,
 4 the street that's going up and down, as it were, the street
 5 that has the red van parked on it, is that Hillside?
 6 THE WITNESS: Yes, it is, your Honor.
 7 THE COURT: And on the left, there appears to be a
 8 street coming into Hillside that also has a car parked on it
 9 with a crosswalk there. Is that Bogardus.
 10 THE WITNESS: Yes, it is, your Honor.
 11 Q. Ms. Abrams, you can take down Government Exhibit 244 and
 12 please play Government Exhibit 904.
 13 (Video played)
 14 Q. Ms. Abrams, can you pause the video, please.
 15 Sir, can you describe the two individual s that walked
 16 on to the screen?
 17 A. The first one who is stepping into the street, swearing
 18 dark color pants, has kind of like a thick two-tone vest on.
 19 That's all I can make out of him. And the second person, a
 20 light pair of pants, black shoes, again, appears to be some
 21 type of vest, two-tone vest.
 22 Q. Ms. Abrams, can you please resume playing.
 23 (Video played)
 24 Q. Sir, the group of individuals who just walked out of the
 25 parking lot, what direction were they walking?

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1 A. They are walking up Hillside Avenue, which would be west to
 2 east up the hill.
 3 Q. Ms. Abrams, can you just go back a little bit with the
 4 video and play it from there, please. Thank you.
 5 (Video played)
 6 Q. Please pause the video.
 7 Sir, could you please describe the individuals we see
 8 there.
 9 A. I will start from the parking lot and work out, the male
 10 with the white pair of pants, appears to be a vest,
 11 multicolored vest, two-tone, different color on the shoulder,
 12 and he is wearing a light color sleeve.
 13 The next man, as he is passing out of the gate,
 14 appears to have a vest on, a brown top with a different type of
 15 color on top of his shoulder area, light color pants .
 16 Then I have a male in front of him is wearing a red
 17 shirt, a white article of clothing over his shoulder, pants.
 18 Hard to tell from this picture. They look to be multicolor
 19 shade.
 20 The person in front of him, kind of obscured, is
 21 wearing some type of vest, possible hood on top of the vest.
 22 And then the person more toward the sidewalk, again,
 23 appears to have a vest on, dark sleeves underneath it, dark
 24 pants, black shoes, dark shoes.
 25 Q. Thank you, sir.

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1 Ms. Abrams, could you please take that down and put up
 2 Government Exhibit 906. Please pause the camera there .
 3 Sir, where is this camera located?
 4 A. It's in the middle section of the parking lot, the open air
 5 parking lot on Hillside Avenue.
 6 Q. And just for clarity, the street we see running across the
 7 top of the screen, what screen is that?
 8 A. Bogardus avenue.
 9 Q. Is Bogardus running across the top or the intersection --
 10 A. Sorry. The intersection running up and down is going to be
 11 Hillside Avenue.
 12 Q. Ms. Abrams, please hit play.
 13 (Video played)
 14 Q. All right, Ms. Abrams. Could you start the video again ?
 15 (Video played)
 16 Q. Ms. Abrams, can you pause there.
 17 Sir, can you describe the individuals we see on the screen,
 18 starting with the individual on the right.
 19 A. Again, he has a red shirt on with a white stripe under the
 20 armpit. Again, it appears to be like multi-shade type of color
 21 pants, white shoes. He appears to have a bun.
 22 Q. Ms. Abrams, you can resume playing.
 23 (Video played)
 24 Q. Ms. Abrams, can you pause there. Actually, you can
 25 continue playing.

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1 All right, Ms. Abrams, you can take this down and go to
2 Government Exhibit 908, and if you please pause that there.

3 Sir, where is this camera located?

4 A. This is in the rear of the open air parking lot.

5 Q. And could you please tell us what streets you can see
6 through the entrance to the parking lot at the top of the
7 screen?

8 A. You can see Hillside Avenue and partially you might see the
9 corner of Bogardus Place.

10 Q. You can resume playing the video.

11 (Video played)

12 Q. All right. Ms. Abrams, could you play that again, please,
13 start it again.

14 (Video played)

15 Q. Ms. Abrams, could you pause the video there. Actually,
16 could you let it play one more second? Pause there. Thank
17 you.

18 Sir, the additional individual who got out of the driver's
19 seat, who is that?

20 A. I don't know.

21 Q. Could you continue playing, Ms. Abrams?

22 (Video played)

23 A. When the van first pulls in, the driver of the van, but
24 then he gets out and then the employee of the garage gets in
25 and moves the van up. Is that your question?

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1 Q. Yes.

2 A. Okay.

3 Q. Was the person that got out of the driver's seat there the
4 employee of the parking lot?

5 A. In this screen, you can see the employee is still by the
6 door. But when the van first pulled in, you could see the
7 driver's side door open, somebody get out, walk around the back
8 of the van as the others were exiting. But they have to move
9 the van, because they are blocking the car which was trying to
10 get out, the silver car. So the employee gets in the van and
11 pulls it forward.

12 Q. Okay, sir. Thank you.

13 Ms. Abrams, you can play the rest of the video.

14 (Video played)

15 Q. Ms. Abrams, you can take that down and pull up Government
16 Exhibit 905. Please pause the video.

17 Sir, where is this camera located?

18 A. This is going to be on top of the shed, the employee shed
19 of the open air parking lot, facing westbound. And the street
20 on the right is going to be Hillside Avenue. And, again, you
21 can see the intersection, you can see the street sign for
22 Bogardus Place.

23 Q. Sir, if I could ask you to speak a little closer to the
24 mic.

25 A. I apologize again. This camera is a view from above the

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1 employee shed of the parking lot, the open air parking lot.
2 The street on the right is going to be Hillside Avenue.
3 Q. Thank you.

4 Ms. Abrams, you can play the video now.

5 (Video played)

6 Q. Ms. Abrams, can you pause it there? Actually, could you go
7 back a couple of seconds.

8 Sir, can you describe the individuals you see on the screen
9 there?

10 A. Yes, I can. The first male is wearing looks like faded
11 jeans with cuts on the front legs. It's almost like a two-tone
12 sneaker, appears to be glowing, red glow or an orange glow. He
13 has a dark top, long sleeve.

14 The person behind him, again, red shirt, short sleeve
15 with white stripe under the arms, carrying a white possible
16 object on -- piece of clothing on his shoulder. And he's got
17 multicolor shaded pants, appears to be white sneakers.

18 And the person behind him is somewhat obscured but
19 appears to have that vest, that thick vest, two-tone, lighter
20 shade on the shoulders.

21 Q. Ms. Abrams, you can play the rest of the video now.

22 (Video played)

23 Q. Sir, what direction are they walking?

24 A. They are walking uphill, up Hillside Avenue, which would be
25 eastbound.

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1 Q. All right. Ms. Abrams, you can take that down and pull up
2 Government Exhibit 909. Please pause the video.

3 Sir, where is this camera located?

4 A. It is the building just above the open air parking lot.
5 It's on Hillside Avenue.

6 Q. And what is the street running through the image?

7 A. Coming from the right, it's going to be Bogardus Place.

8 Again, you are looking up and down Hillside Avenue.

9 Q. And can we see the entrance to the parking lot in this
10 image?

11 A. If you look, there is, on the sidewalk, there appears to be
12 a green and white sign. There is a sign.

13 Q. Could you please circle that with your finger?

14 A. (Witness complies).

15 Q. Let the record reflect that the witness has circled the
16 entrance to the parking lot in the center of the image.

17 All right, Ms. Abrams, you can play the video.

18 (Video played)

19 Q. Ms. Abrams, can you pause? And if you could go back just a
20 little bit. Please pause it there.

21 Sir, can you describe which direction these individuals are
22 walking?

23 A. They are walking up Hillside Avenue from Broadway and they
24 would be traveling eastbound.

25 Q. Ms. Abrams, could you please pull up Government Exhibit

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1 910, and please pause the video.

2 Sir, where is this camera located?

3 A. Again, this is on Hillside Avenue and this is facing
4 eastbound on the same sidewalk, same side of the sidewalk as
5 the three men were on.

6 Q. So relative to the camera we were just looking at
7 previously, where is this one?

8 A. It's right behind it facing the opposite direction.

9 Q. Ms. Abrams, please hit play.

10 (Video played)

11 Q. Ms. Abrams, if you could restart this clip, please.

12 (Video played)

13 Q. All right, Ms. Abrams. Could you pause there?

14 Sir, could you please describe the individuals we see on
15 the screen there.

16 A. Three individuals, one closest to the bottom of the screen
17 is wearing white, light color pair of pants, two-tone thick
18 vest, looks like brown and reddish on the shoulders, a white
19 hoodie, a white sweatshirt with a hood.

20 In front of him, it appears it's a greenish type of
21 multi-pattern colored pants, red shirt, short sleeves.

22 THE COURT: These are the same individuals we have
23 seen all along, correct, we just saw?

24 THE WITNESS: That's correct, your Honor.

25 THE COURT: All right. Next.

1 Q. All right. You can continue playing, Ms. Abrams.

2 (Video played)

3 Q. All right, Ms. Abrams, you can take this down and please go
4 to Government Exhibit 230.

5 Sir, do you recognize what's in this photo?

6 A. Yes, I do.

7 Q. What is it?

8 A. It's an Astro Van, which was recovered from inside the open
9 air parking lot and it's now in the back lot of the 34th
10 precinct.

11 Q. When you say it was recovered in the open air parking lot,
12 is that the lot we were just looking at in the videos?

13 A. That's correct.

14 THE COURT: Where is it located in this picture?

15 THE WITNESS: In the rear of 4295 Broadway. This is
16 the rear of the 34th precinct parking lot.

17 THE COURT: All right. So it's already in police
18 custody.

19 THE WITNESS: Yes.

20 BY MS. ESPINOSA:

21 Q. Ms. Abrams, please go to 232.

22 Sir, what is in this photograph?

23 A. This is a photograph of the rear of the vehicle. It's a
24 Chevy Astro Van with New York license plate.

25 Q. Can you read the license plate?

1 A. It's going to be EHY-1946, New York license plate.

2 Q. Did you subsequently learn who this vehicle was registered
3 to?

4 A. Yes, I did.

5 Q. And how did you learn that?

6 A. We ran through the Department of Motor Vehicles computer
7 the license plate. We got the registered owner.

8 Q. And who is this registered to?

9 A. It's going to be the father of somebody I arrested.

10 Q. All right. Sir, did NYPD get a search warrant for this
11 van?

12 A. Yes.

13 Q. And did NYPD search the van after getting a warrant?

14 A. Yes.

15 Q. What, if anything, did NYPD find in the van?

16 A. A cell phone and a New York State driver's permit --
17 learner's permit.

18 Q. Ms. Abrams, can you please pull up Government Exhibit 229.

19 And, sir, what do you see in this photo?

20 A. I see two baseball hats, and I see the driver's license and
21 a couple of coins and a receipt.

22 Q. Ms. Abrams, could you please go to Government Exhibit 228.

23 Sir, what do you see in this photo?

24 A. It's going to be the learner permit for Marcos Espinal.

25 Q. And where was this learner's permit found?

1 A. Between the front seats, front two bucket seats.

2 Q. Was this the same one we saw in the prior photo?

3 A. Yes.

4 Q. Ms. Abrams, could you please pull up Government Exhibit
5 227.

6 Sir, what is this?

7 A. It's the cell phone.

8 Q. And where was this cell phone found?

9 A. Inside the van.

10 Q. All right. Ms. Abrams, could you please pull up Government
11 Exhibit 502 for just the witness, Judge, and counsel.

12 Sir, do you recognize the individual in this photo?

13 A. Yes, I do.

14 Q. How do you recognize him?

15 A. It's a photo of the person I arrested.

16 Q. Who is this?

17 A. Marcos Espinal.

18 MS. ESPINOSA: The government moves to admit
19 Government Exhibit 502.

20 MR. SCHNEIDER: No objection.

21 THE COURT: It is admitted.

22 (Government's Exhibit 502 received in evidence)

23 MS. ESPINOSA: May we publish, your Honor?

24 THE COURT: Yes.

25 BY MS. ESPINOSA:

1 Q. Sir, did you know Marcos Espinal by any other name?
 2 A. I knew him by the street name Ito.
 3 Q. Sir, did you conduct any additional searches in the course
 4 of this investigation?
 5 A. I conducted a search warrant on his apartment, on his
 6 family's apartment.
 7 Q. And when you say "his," who are you referring to?
 8 A. Marcos Espinal.
 9 Q. What, if anything, did you find during that search?
 10 A. A pair of pants, blue jeans, faded, distressed color with
 11 slits in the front, and a pair of sneakers which they are like
 12 two-tone, red on the inside, white on the outside.
 13 Q. Ms. Abrams, could you please pull up Government Exhibit
 14 236.
 15 Sir, what is in this photo?
 16 A. A pair of Nike sneakers.
 17 Q. Where were these sneakers found?
 18 A. Inside the bedroom used by Marcos Espinal.
 19 MS. ESPINOSA: Your Honor, may I have a moment?
 20 THE COURT: Yes.
 21 (Counsel confer)
 22 MS. ESPINOSA: Your Honor, we have no further
 23 questions.
 24 THE COURT: All right. Is there any cross-examination
 25 of this witness?

1 MR. SCHNEIDER: Yes, your Honor, there is.
 2 THE COURT: Of course. Proceed.
 3 CROSS-EXAMINATION
 4 BY MR. SCHNEIDER:
 5 Q. Good morning, Detective Gill.
 6 A. Good morning, sir.
 7 Q. How are you today?
 8 A. I'm okay. Yourself?
 9 Q. Do you like being retired?
 10 A. Best job I've ever had.
 11 Q. 30 years is a long time to be a police officer and you
 12 investigated many, many crimes, right?
 13 A. Yes.
 14 Q. And at the time when you were a detective, your job was to
 15 solve crime.
 16 A. Yes.
 17 Q. And your job was to try to catch the perpetrators of a
 18 particular crime.
 19 A. Yes.
 20 Q. To get those who were responsible for the crime that you
 21 were investigating.
 22 A. Yes.
 23 Q. And one of the ways to do that was to try to gather
 24 evidence, correct?
 25 A. That's correct.

1 Q. You would go to the scene of a crime, if appropriate,
 2 right?
 3 A. Yes.
 4 Q. You would try to talk to witnesses if you could.
 5 A. Yes.
 6 Q. You would canvass the areas, buildings, neighboring areas,
 7 to see if you can find people to help solve a crime.
 8 A. That's what detectives do, yes.
 9 Q. Yes. And that's what you would do over your 30 years,
 10 right?
 11 A. Yes.
 12 Q. And you would try to speak to victims if you could, if they
 13 were able to talk, right?
 14 A. Yes.
 15 Q. You would show photographs of particular suspects to
 16 witnesses or victims to help you identify perpetrators, right?
 17 A. At times, yes.
 18 Q. And you would try to gather physical evidence, if any was
 19 what you perceived to be relevant to the crime, right?
 20 A. Yes.
 21 Q. And as we saw here from all of these video clips, in the
 22 last number of years, video surveillance has helped your job in
 23 terms of catching the perpetrators, right?
 24 A. Yes.
 25 Q. So you would try to see if neighboring buildings would have

1 video cameras, right?
 2 A. Yes.
 3 Q. And in addition to you doing the exact -- doing the
 4 specific investigation, you would also bring on other members
 5 of the police force to help. Isn't that right?
 6 A. That's right.
 7 Q. I mean, it's what's called the CSU, the crime scene unit,
 8 right?
 9 A. Yes.
 10 Q. ESU, emergency services unit, right?
 11 A. When needed, yes, sir.
 12 Q. There were ballistic experts, correct?
 13 A. Not --
 14 Q. Not at the scene, but the police department in general.
 15 A. In general, yes.
 16 Q. Yes. Okay. There is a lab where detectives use
 17 microscopes to check ballistics evidence, right?
 18 A. That's correct.
 19 Q. And there are experts who are just focusing on fingerprint
 20 analysis, right?
 21 A. That's correct.
 22 Q. The gathering of it and also analyzing fingerprints, if any
 23 are recovered, right?
 24 A. That's correct.
 25 Q. And you also have computer experts who know how to go into

1 phones and computers to try to see if there is any evidence in
 2 those electronic items, right?
 3 A. Yes.
 4 Q. You also can sometimes, if you have phones that are
 5 relevant, try to go to the phone companies to get phone
 6 records, right?
 7 A. Yes.
 8 Q. You have heard of what's called cell site records, right?
 9 A. Yes.
 10 Q. Cell site records talk -- are able to tell where a
 11 particular phone pings off a cell tower in the area, right?
 12 A. Yes.
 13 Q. And that can help you identify if that phone, whoever was
 14 carrying it, that phone was in that area at a certain time,
 15 right?
 16 A. I'm not sure they can do exact, but --
 17 Q. Not exact.
 18 A. -- but if the phone is used.
 19 Q. Yes.
 20 A. Yes.
 21 Q. Okay.
 22 And you also can, with getting phone records, see if
 23 one person called another person, if there is contact between
 24 two different numbers, is that right?
 25 A. Yes.

1 Q. You also know there is the medical examiner's office, the
 2 Office of Chief Medical Examiner, where they do other
 3 scientific evidence, right?
 4 A. That's correct.
 5 Q. Analysis, not just autopsy, but they do DNA analysis as
 6 well, right?
 7 A. Yes.
 8 Q. And as far as you know -- I know you are not an expert, but
 9 as far as you know, DNA can be recovered from blood, right?
 10 A. Yes.
 11 Q. From sweat, correct?
 12 A. That's correct.
 13 Q. From skin cells, correct?
 14 A. Yes.
 15 Q. From saliva, right?
 16 A. Yes.
 17 Q. In fact, you know specifically saliva because you took
 18 Marcos Espinal's DNA swab from his mouth well after he was
 19 arrested, right?
 20 A. Yes.
 21 Q. Now, you also have what's called LPRs, license plate
 22 readers, right?
 23 A. Certain police cars have those, yes.
 24 Q. Also you would try to listen to 9-1-1 calls to see if you
 25 could identify additional witnesses, right?

1 A. Yes.
 2 Q. You also have something called Crime Stoppers, right?
 3 A. Yes.
 4 Q. You have heard of that before, haven't you?
 5 A. We use Crime Stoppers, yes.
 6 Q. In fact, you used Crime Stoppers in this case, didn't you?
 7 A. I might have. I don't remember.
 8 Q. Well, Crime Stoppers is a way that people can call if they
 9 want, anonymously or not, depends on what they feel about
 10 getting involved, right?
 11 A. Yes.
 12 Q. But you can use whatever information you get from
 13 Crime Stoppers to try to lead you to other possible witnesses
 14 or perpetrators, right?
 15 A. That's correct.
 16 Q. And sometimes when you speak to one witness, that witness
 17 leads you to another witness who can help you in the
 18 investigation, right?
 19 A. That can happen, yes.
 20 Q. And sometimes people who have been arrested, suspects who
 21 become perpetrators then become witnesses for the government,
 22 and they are known as cooperators down the road, right?
 23 A. That happens, yes.
 24 Q. Now, as part of being a detective, you prepare documents
 25 through the course of your investigation, do you not?

1 A. Yes, I do.
 2 Q. You have heard the phrase a voucher, right? You have
 3 vouchers, right?
 4 A. Yes.
 5 Q. That's to make sure that whatever evidence is recovered is
 6 secured so it can be brought into court later on, if necessary,
 7 right?
 8 A. Yes.
 9 Q. And vouchers are given a particular piece of evidence,
 10 given a particular identifying number so that you know that
 11 each voucher refers to each particular piece of evidence,
 12 right?
 13 A. Yes.
 14 Q. And that's to secure the evidence, so it's not what's
 15 called tainted, right?
 16 A. Yes.
 17 Q. And you prepare what's called DD-5s, right?
 18 A. Yes.
 19 Q. DD-5 is a police term for -- it's a police follow-up
 20 report, right?
 21 A. That's correct.
 22 Q. And those are documents which indicate what you do and
 23 maybe when you do it, right?
 24 A. Yes.
 25 Q. And that's kept in the detective's -- in the case file, so

1 to speak, right?

2 A. Yes.

3 Q. And that is so that the bosses, your supervisors, can

4 review what's being done or what work you are doing on the

5 case, right?

6 A. Yes.

7 Q. Other detectives who are working on the case can review it

8 so they know -- they don't step on each other's toes, right?

9 A. Yes.

10 Q. And in case you get transferred or if the case gets

11 transferred, the new detectives can see what's been done by

12 looking at the DD-5, right?

13 A. Yes.

14 Q. And in case someone happens to, I don't know, retire, like

15 you, you still have those forms in the case file, right?

16 A. Yes.

17 Q. And you, because you have been involved in so many cases

18 over the years, will use those DD-5s to refresh your

19 recollection to help you testify, if necessary, right?

20 A. Yes.

21 Q. And in fact you did that in this case, right? You reviewed

22 your DD-5s, so you would be able to answer the questions in a

23 smooth manner. Isn't that right?

24 A. Actually I really didn't review my DD-5s. I looked at

25 possibly just one, one, maybe three or four different

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1 documents, that would be it.

2 Q. Okay. But didn't you at some point, in your preparation

3 with one of the prosecutors, review certain DD-5s, not all of

4 them, but some of them, right?

5 A. I reviewed one or two -- one or two DD -- documents, let's

6 say, documents, the video and the photographs.

7 Q. Okay.

8 A. As far as looking at my case folder, I did not look at the

9 case folder, no.

10 Q. Okay. Would it help in trying to solve a crime to figure

11 out what the possible motive for the crime would be, is that

12 right?

13 A. Yes.

14 Q. Because sometimes if you know the "why," that can help you

15 find out the "who." Right?

16 A. That's correct.

17 Q. Now, directing your attention to October 2 of 2014, as the

18 detective on call, you received a call of a triple shooting,

19 right?

20 A. Yes.

21 Q. And you found yourself, you went to 1653 Saint Nicholas,

22 right?

23 A. Yes.

24 Q. And there were already a number of police officers already

25 at the scene before you got there, right?

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1 A. Yes.

2 Q. There were uniformed officers, right?

3 A. Yes.

4 Q. Other detectives, correct?

5 A. Might have been.

6 Q. Anticrime, right?

7 A. Might have been.

8 Q. Well . . .

9 THE COURT: Sir, what location on Saint Nicholas did

10 you go to? What was the number?

11 THE WITNESS: 1653 Saint Nicholas.

12 THE COURT: All right. Thank you.

13 Q. Do you remember testifying at a pretrial hearing in state

14 court regarding Marcos Espinal?

15 A. I testified in state court.

16 Q. And that was a hearing not related to this case, but

17 related to Marcos Espinal's arrest and this crime, correct?

18 A. Yes.

19 Q. And that was in June, on June 30 of 2017, right?

20 A. If -- I will take your word for it.

21 Q. All right. And you were asked questions by -- at that time

22 it was a state prosecutor and a state defense lawyer regarding

23 the Marcos Espinal prosecution, correct?

24 A. It would have, yes.

25 Q. And were you asked the following questions and the

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1 following response at page 5.

2 "Question" --

3 MS. ESPINOSA: Objection, your Honor. This document

4 is not in evidence.

5 MR. SCHNEIDER: I know it is not. I'm not offering

6 it.

7 THE COURT: Just --

8 MR. SCHNEIDER: It's impeachment.

9 THE COURT: Just a moment.

10 I think there has to be a predicate, sir.

11 MR. SCHNEIDER: Your Honor, it's a prior inconsistent

12 statement at a hearing.

13 THE COURT: Just a moment.

14 Let's see where it goes. You say it is a prior

15 inconsistent statement. On that basis, I will let it in.

16 MR. SCHNEIDER: Thank you.

17 THE COURT: Let's see.

18 MS. ESPINOSA: Your Honor, I ask that he not read from

19 the document until we have identified a prior inconsistent

20 statement.

21 THE COURT: All right. Sidebar. Quickly.

22 (Continued on next page)

23

24

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(At the sidebar)

THE COURT: Where is the impeachment ? He hasn't said anything about it that you can impeach him on. What are you trying to do?

MR. SCHNEIDER: Okay. When he said he didn't remember which officers were there, that is an -- you can bring out when he answered that possibly before and I --

THE COURT: Wait, wait.

MR. SCHNEIDER: -- and I don't --

THE COURT: Slow down.

MR. SCHNEIDER: Sure.

THE COURT: He said he didn't remember --

MR. SCHNEIDER: Correct.

THE COURT: -- what officers were there.

MR. SCHNEIDER: Correct.

THE COURT: Okay. Go ahead.

MR. SCHNEIDER: I'm allowed -- I have a choice. I can choose to either refresh his recollection or I can choose to impeach with prior statement that he's made. Of course it's not in evidence. It's a --

THE COURT: What is the statement that you are seeking to introduce?

MR. SCHNEIDER: He specified the specific of which officers were present.

THE COURT: But then he remembered it then.

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MR. SCHNEIDER: Of course that's the case. That's what a prior inconsistent statement is, Judge. He made a statement one time --

THE COURT: I see.

MR. SCHNEIDER: The --

THE COURT: Just a moment. The inconsistency is right now he doesn't remember --

MR. SCHNEIDER: Precisely.

THE COURT: -- their names.

(Court reporter confers)

MR. SCHNEIDER: I don't need their names. I'm asking the types of officers who were there. He specifically remembered at a hearing who was there, and I can --

THE COURT: Just a minute.

Government.

MS. ESPINOSA: Your Honor, this was a hearing that happened five years ago, and it's been five years. He's retired he's forgotten it now. I think it would be appropriate to seek to refresh his recollection, but not to read that document into the record when it's not in evidence.

MR. SCHNEIDER: Your Honor, I have honestly never heard that before. The only way I'm allowed to impeach him with a prior inconsistent statement is to specifically read the specific questions and --

THE COURT: But --

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MR. SCHNEIDER: -- answers --

THE COURT: -- I'm not sure --

MR. SCHNEIDER: -- from the hearing.

THE COURT: -- it's inconsistent. As he sits here now, he doesn't remember --

MR. SCHNEIDER: Right.

THE COURT: -- and back then he did.

MR. SCHNEIDER: Exactly, exactly.

THE COURT: What's the inconsistency?

MR. SCHNEIDER: The inconsistency is if someone says I don't remember now or I don't know now, I can choose to impeach if they knew it then. The government can argue that I am being -- on summation, if they want, that he had a reason to remember then but he doesn't remember now because it's five years ago. That doesn't go to its admissibility. It does not go to the fact that I am using a prior statement that, under oath, specifically question and answer, I have --

THE COURT: All right. I understand.

Government.

MR. HOBSON: May we have a moment, your Honor? I'm trying to just understand exactly what's being argued here.

THE COURT: What he wants to do, this witness has said -- well, what do you say his testimony was? He doesn't remember the names. He doesn't remember --

MR. SCHNEIDER: Not name, not name. No. I don't ask

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names. I wouldn't expect him to remember the names. I expect him to remember the types of --

THE COURT: What did you ask him and what did he say

"I don't remember."

MR. SCHNEIDER: The last question was, if I may -- oh, I said: Were uniformed officers there?

He said: Yes.

I said: Detectives?

He said he doesn't remember, probably.

I said: Crime scene? And that was going to go on some more. And I know for a fact that he said in the past that there were task force witnesses -- officers. In fact, aviation was doing a canvass; that there were, quote, bosses.

THE COURT: You can ask him that. Why don't you do it directly?

MR. SCHNEIDER: I was going to, but he just said he didn't remember.

THE COURT: Or why don't you ask him were there task force officers there?

MR. SCHNEIDER: I was going to get there, but they objected before I got there, Judge.

MS. ESPINOSA: The objection, your Honor, is when he started reading from the prior testimony in the record, which the witness hasn't yet said that he doesn't remember --

THE COURT: I mean, I think that's right. You said

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1 were you asked these questions and did you give these answers,
2 but there is nothing to impeach him on. You can ask him were
3 there -- if you wish, were there crime scene officers there?

4 MR. SCHNEIDER: Correct.

5 THE COURT: I don't remember.

6 Take a look at this. See if it refreshes your
7 recollection.

8 MR. SCHNEIDER: That's the difference. I could do
9 that, but I also could choose to miss that step and go right to
10 impeachment if I choose. That's -- I thought that's my choice.

11 THE COURT: First of all, it doesn't strike me as
12 worth your time, that kind of impeachment, when he doesn't
13 remember something that was five years earlier. But assuming
14 you can do it, you don't have it on the record yet. Ask him
15 were there crime scene officers there.

16 MR. SCHNEIDER: Okay. I thought I was doing that, but
17 I will try to be clear.

18 (Continued on next page)

1 (In open court)

2 THE COURT: Go ahead.

3 MR. SCHNEIDER: May I, your Honor?

4 THE COURT: Go ahead.

5 MR. SCHNEIDER: Thank you.

6 BY MR. SCHNEIDER:

7 Q. When you got to the scene, do you remember seeing uniformed
8 officers there?

9 A. I remember seeing uniformed officers.

10 Q. Do you remember seeing other detectives there?

11 A. I went there with the detectives. I know there were other
12 detectives there.

13 Q. Okay. And did you see crime scene unit officers there?

14 A. I spoke with crime scene that evening, when it was dark,
15 while they were processing, yes.

16 Q. And there were also task force officers there, weren't
17 there, task force uniformed officers?

18 A. I can't tell you if they were task force. I wouldn't be
19 able to remember that.

20 Q. Okay. Do you remember were there level one mobilization
21 officers, aviation officers there?

22 A. A level one would have been called. I don't remember. You
23 have uniformed -- on a level one, uniformed officers from all
24 outside precincts will respond with supervisors.

25 Q. And were there numerous bosses, your supervisors, also at

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1 the scene when you were there?

2 A. You are going to have both detective bosses and patrol
3 bosses at the scene. I know my lieutenant was at the scene.

4 Q. Oh, so there were. There were other bosses at the scene,
5 correct?

6 A. There would be other bosses at the scene. I know my boss
7 was at the scene.

8 Q. And you also learned when you got there that some of the
9 officers had already found and secured the van, correct?

10 A. There came a time when I was told, yes, because I responded
11 there.

12 Q. Yes. And the van at the scene had been secured to make
13 sure nothing happened to any evidence there, correct?

14 A. I presume so, yes.

15 Q. Did you go see the van?

16 A. Yes.

17 Q. And when you saw the van, there were officers who had
18 secured it, isn't that right?

19 A. I'm sure it was, yes. There had to be officers there. I
20 was called there, so they would have been there already.

21 Q. And you also -- there were three victims, is that right?

22 A. Yes.

23 Q. Mr. Rivera, Ms. Reyes, and Mr. Rodriguez, correct?

24 A. I will take it that's their names, yes.

25 Q. Mr. Rivera was --

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1 A. I know from earlier, yes, I know the deceased.

2 Q. Mr. Rivera was the deceased, but also Ms. Reyes had been
3 shot and brought to a hospital, right?

4 A. If she was shot, yes, she went to the hospital.

5 Q. And Mr. Rodriguez also was brought by EMS to a hospital,
6 correct?

7 A. That's correct.

8 Q. Now, did you ever physically speak to Ms. Reyes herself?

9 A. Yes, I did talk to Ms. Reyes.

10 Q. Okay. And you also spoke to her mom, her mother,
11 Ms. Hazim, H-A-Z-I-M, right?

12 A. I'm not -- I don't remember if I talked, but I'm sure -- I
13 can't say for sure.

14 Q. And after you spoke to Ms. Reyes officially at the scene,
15 did you try to speak to her again as the investigation
16 continued?

17 A. I would have, yes.

18 Q. And you tried to -- in fact, you went to her home a number
19 of times in the year 2015 and she wasn't home, correct?

20 A. I -- I don't remember that.

21 MR. SCHNEIDER: Ms. Abrams, can you just show the
22 witness and counsel 3509-14, page 25.

23 Q. Do you see that document, sir?

24 A. Yes.

25 Q. Does that document refresh your recollection, help you

1 remember if you tried to speak to Ms. Reyes? Look under
 2 summary of investigation?
 3 A. I'm reading it now.
 4 THE COURT: The issue, sir -- not what's written
 5 there, but the issue is whether looking at what's written there
 6 gives you a new recollection of whether or not you spoke with
 7 Ms. Reyes.
 8 THE WITNESS: Your Honor, I'm reading --
 9 Q. Don't read it out loud, Detective.
 10 A. I'm not.
 11 THE WITNESS: I don't remember making those.
 12 THE COURT: All right. Next question.
 13 BY MR. SCHNEIDER:
 14 Q. Okay. Do you remember at some point, though, speaking to
 15 Ms. Reyes after she was in the 34th precinct in May of 2015
 16 after she had been arrested?
 17 A. I don't remember that.
 18 MR. SCHNEIDER: Ms. Abrams, could you put up 3509-14,
 19 page 24, just for the witness and counsel?
 20 THE COURT: When you ask about Ms. Reyes, is that the
 21 victim, the injured person?
 22 MR. SCHNEIDER: Yes, your Honor, it is.
 23 THE COURT: Okay.
 24 BY MR. SCHNEIDER:
 25 Q. Is that -- don't read it out loud, but is that one of your

1 DD-5s in this case?
 2 A. I'm just reading it.
 3 Q. Sure.
 4 A. It is a DD-5 prepared by myself.
 5 Q. Does that document refresh your recollection, does it help
 6 you remember that, on May 7 of 2015, you spoke to Ms. Reyes
 7 after she had been arrested?
 8 A. No, it does not.
 9 Q. Doesn't help you remember?
 10 A. No.
 11 Q. And as you sit here now, you don't have an independent
 12 recollection of one of the victims being arrested for another
 13 unrelated crime?
 14 A. No, I don't.
 15 Q. Okay. Take that down. Thank you.
 16 Did you ever speak to Mr. Rodriguez, the victim who
 17 was -- the male victim who was shot but who was stable ?
 18 A. At the scene, I was there when he was being treated and, if
 19 I remember, I tried to talk to him, but he was being treated
 20 and I didn't continue --
 21 Q. Okay.
 22 A. -- the conversation.
 23 Q. And as you know, after they are treated at the scene, they
 24 are brought to a hospital and then you know that Mr. Rodriguez
 25 was in stable condition, so he was ultimately released from the

1 hospital, correct?
 2 A. If you say so.
 3 Q. Yes. And as far as you know, did you ever go try to speak
 4 to Mr. Rodriguez again after he was released from the hospital?
 5 A. We would, of course, try to talk to him again.
 6 Q. Do you have any documentation in any of your DD-5s to
 7 indicate that you spoke to Mr. Rodriguez again?
 8 A. I don't have any DD-5s in front of me, and I don't remember
 9 talking, if I talked to him, I did a follow-up, or who did a
 10 follow-up with him.
 11 Q. Okay. Now, I want to go back again to the actual -- the
 12 night of October 2. When you first got there, you did not know
 13 who the shooters were, did you?
 14 A. That's correct, we did not know.
 15 Q. And it was unclear as to how many shooters were involved at
 16 that time, correct?
 17 A. That's correct.
 18 Q. And at that time you did not know the background of any of
 19 the victims, did you?
 20 A. When we -- when we first got to the scene, no, we had no
 21 idea.
 22 Q. And at that time you didn't know who the intended target
 23 was. This is, again, at that time when you first got there,
 24 you didn't know who the intended target was, did you?
 25 A. No.

1 Q. But, again, we talked earlier about it would be helpful if
 2 you knew the motive for the crime to help you find out who did
 3 it, right?
 4 A. Yes.
 5 Q. It turns out, three days later, on October 5, you received
 6 information that Kevin Harris was the intended victim, right?
 7 A. I don't recall.
 8 Q. Well, do you remember you said -- you talked about
 9 Crime Stoppers earlier, right? That Crime Stoppers is a way
 10 that helps the investigation, correct?
 11 A. Yes, Crime Stoppers.
 12 Q. Okay. Isn't it a fact that, on October 5, three days after
 13 the crime, there was a Crime Stoppers call with the name Kevin
 14 Harris.
 15 A. I don't remember.
 16 MR. SCHNEIDER: Okay. Ms. Abrams, this is discovery,
 17 not 3500. Do you have that? It's USAO 7701, please. Can you
 18 show the witness and counsel, please.
 19 Your Honor, maybe if -- your Honor, to save time, if I
 20 can approach the witness with the actual document, that may
 21 help to save time.
 22 THE COURT: Go ahead.
 23 MR. SCHNEIDER: Is that okay?
 24 THE COURT: Yes.
 25 MR. SCHNEIDER: Thank you.

1 THE COURT: Show it to the government .
 2 MR. SCHNEIDER: Yes, of course.
 3 THE COURT: It's on the screen. Something is on the
 4 screen.
 5 MR. SCHNEIDER: Let's see if it is . . .
 6 That's it. Great.
 7 BY MR. SCHNEIDER:
 8 Q. Okay, Detective Gill, do you see what's on the screen?
 9 A. Yes, I do.
 10 Q. Without telling us the content, is that a report of a
 11 Crime Stoppers phone call?
 12 THE COURT: Sir, the question is simply -- let me ask
 13 you differently.
 14 Do you know what this is? Yes or no.
 15 THE WITNESS: Yes, I know what it is. It is a
 16 Crime Stoppers document.
 17 THE COURT: Okay, next.
 18 MR. SCHNEIDER: Thank you.
 19 Q. Does that document -- excuse me. I'm sorry.
 20 Does that document refresh your recollection that you
 21 received information that Kevin Harris was the intended target
 22 of this shooting?
 23 THE COURT: Again, not what's on here, but does that
 24 refresh your recollection?
 25 MR. SCHNEIDER: Thank you, Judge.

1 THE COURT: Because earlier you said that you don't
 2 remember that, on October 5, three days after the crime, there
 3 was a Crime Stoppers call with the name Kevin Harris. You said
 4 that you don't remember. Looking at it now, do you now
 5 remember? And again, don't worry about what's on this page.
 6 That's not the issue.
 7 THE WITNESS: No. I still don't remember that.
 8 THE COURT: All right.
 9 BY MR. SCHNEIDER:
 10 Q. Do you remember ever going -- do you remember getting an
 11 address -- not just Kevin Harris's name, but Kevin -- you can
 12 take that down, thank you -- but Kevin Harris's address at 45
 13 Fairview Avenue and a specific apartment? Do you remember
 14 getting that information three days later?
 15 A. I might have. I don't remember going there. I do know I
 16 spoke with Kevin Harris on previous cases, but I don't remember
 17 if I spoke to him on this case.
 18 Q. Okay. So you spoke to Kevin Harris about unrelated cases ?
 19 A. Prior investigations.
 20 Q. Yes.
 21 A. And I don't remember talking with him -- I don't remember
 22 talking to him on this case.
 23 Q. Okay. But would it be helpful -- if in fact you received
 24 information from Crime Stoppers as to who the intended target
 25 was, wouldn't that be helpful to you as an investigator to

1 speak to that person to see what the possible motive was?
 2 A. Yes.
 3 Q. Now, when you were there at the scene on the 2nd, you spoke
 4 to the super of the building, right?
 5 A. From the building, yes.
 6 (Continued on next page)
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1 BY MR. SCHNEIDER:
 2 Q. Yes, in the building, yes.
 3 A. Right.
 4 Q. And you canvassed the building and the area, right?
 5 A. Yes.
 6 Q. And in fact, the super was able to give you some videos,
 7 right, that night?
 8 A. I know I went down, I spoke to the super. I know we had
 9 video. I'm not sure how we recovered the video or who he gave
 10 the video to.
 11 Q. But did you look at any video that night?
 12 A. I looked at video that night, but I did not download the
 13 video.
 14 Q. I don't care who downloaded it. I'm talking about what you
 15 saw.
 16 A. Right.
 17 Q. I don't care who gave it to you. I'm asking you, did you
 18 happen to see videos that night, October 2, of --
 19 A. Yes.
 20 Q. OK. And you also had information that this van was
 21 supposedly used in the crime, right; that's why the officers
 22 were hold -- securing it? Right?
 23 A. Yes.
 24 Q. And you found out that crime scene unit and ESU, emergency
 25 services, went and recovered certain items from the van, right?

1 A. That was later on, a search during, at the precinct, when
 2 we conducted a search warrant on the van.
 3 Q. OK.
 4 A. Crime scene.
 5 Q. I'm sorry.
 6 A. Not ESU.
 7 Q. OK. So you went and you got a search warrant from the
 8 judge to authorize somebody from the police department to go
 9 into that van and take whatever relevant property you could,
 10 right?
 11 A. Yes.
 12 Q. And there was property taken from that van, correct?
 13 A. Yes.
 14 Q. Pursuant to that legal search warrant, right?
 15 A. Yes.
 16 Q. And that property was vouchered, correct?
 17 A. Yes.
 18 Q. And that property, some of it was sent to the lab to be
 19 tested scientifically, wasn't it?
 20 A. Yes.
 21 Q. Now, in addition to seeing the video that night, you also
 22 had a chance to look at a number of different videos from
 23 different times, angles, and locations, right?
 24 A. Yes.
 25 Q. And you've seen clothes, generally speaking, the clothes

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1 Q. You didn't call them to say come in, did you?
 2 A. I didn't -- I don't think I would -- I would not have
 3 called. I don't remember calling. I would not call somebody
 4 and say come on in, I want to talk to you.
 5 Q. Right. If anything --
 6 A. On a case like this.
 7 Q. Right. If you had information about Marcos Espinal
 8 specifically, you would have gone, let's say, to try to speak
 9 to him at his home, at his work, somewhere like that, correct?
 10 A. That's correct.
 11 Q. So you're sitting in the 34th Precinct and you get a call
 12 from downstairs that Mr. and his son Espinal are downstairs and
 13 they want to talk to you, right?
 14 A. I know they came into the precinct, if that's what you're
 15 saying. If that's -- before they'd be allowed upstairs, we
 16 would have to get a call from downstairs --
 17 Q. Right.
 18 A. -- to send them up.
 19 Q. Yeah.
 20 A. Yes.
 21 Q. And ultimately, that day, you interviewed Marcos Espinal,
 22 didn't you?
 23 A. I'm not sure if it was that same day.
 24 Q. You don't remember giving him his Miranda rights and
 25 speaking to Marcos Espinal?

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1 that were on the video, correct?
 2 A. Yes.
 3 Q. At any time did you ever see any of the people that you
 4 were looking at on those videos wear gloves?
 5 A. No.
 6 Q. Now, the next day, October 3, you had a conversation with
 7 Marcos Espinal's father and junior, his son, right?
 8 A. I'm not sure of the date, but I did -- they did come into
 9 the precinct.
 10 Q. OK. They came in because, as far as you know, they wanted
 11 to know why they couldn't get -- when I say they, I'm sorry,
 12 the father, Marcos Sr., wanted to know why can't I get my van
 13 back, what's the holdup, correct, or words to that effect ?
 14 A. I know I spoke with the father regarding the van. I'm
 15 not -- and I remember telling him that he can't have the van,
 16 but I'm not sure what date it was.
 17 Q. OK, but it -- well, Marcos Espinal was arrested on October
 18 3, right, the next day?
 19 A. I forget the day when he surrendered.
 20 Q. When you say surrendered, he and his father walked into the
 21 34th Precinct looking for the van, right?
 22 A. Well, they came to the precinct. I don't know that that
 23 was their intention.
 24 Q. OK. Well, nobody called them to say come in, did they?
 25 MR. SCHNEIDER: Withdrawn.

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1 A. Before -- before I spoke to him, I would, of course, read
 2 him his Miranda rights.
 3 Q. Right.
 4 A. But I don't remember sitting in the room actually read -- I
 5 don't recall the conversation I had. I guess that's what I'm
 6 trying to say. I know they showed up at the precinct. I know
 7 they -- he was later arrested. I know that the father came in,
 8 and I believe there was a third person with them. But to sit
 9 here and say I remember everything, I can't do that.
 10 Q. OK.
 11 A. I can't recall what questions I asked him. I can't --
 12 MR. SCHNEIDER: OK.
 13 Your Honor, may I approach the witness with documents?
 14 They're not going to be on the screen.
 15 THE COURT: Well, what is the question?
 16 MR. SCHNEIDER: I was going to try to refresh his
 17 recollection.
 18 THE COURT: As to what?
 19 MR. SCHNEIDER: I'm sorry?
 20 THE COURT: As to what?
 21 MR. SCHNEIDER: He said he didn't remember what day he
 22 spoke to him. He didn't remember what he spoke --
 23 THE COURT: That's right. He said I'm not sure if it
 24 was that same day.
 25 MR. SCHNEIDER: Yes.

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1 THE COURT: Go ahead. Why don't you proceed.
 2 MR. SCHNEIDER: I can either try to impeach or
 3 refresh. It's up to you, your Honor.
 4 THE COURT: Show him the document.
 5 MR. SCHNEIDER: Thank you.
 6 THE COURT: Sir, you said you're not sure what day it
 7 was. You're going to be shown a document. Again, just as
 8 before, see if that refreshes your recollection.
 9 THE WITNESS: I'd prefer to see the document so I can
 10 see the date, your Honor, yes.
 11 THE COURT: Yes. Just because it says something
 12 doesn't mean it's so. The question is whether it refreshes
 13 your recollection. You understand that?
 14 THE WITNESS: Yes, I do.
 15 THE COURT: All right.
 16 THE WITNESS: Thank you, your Honor.
 17 THE COURT: Take a look at whatever it is
 18 Mr. Schneider's showing you. Read it and see if it refreshes
 19 your recollection in regard to whether you spoke to Mr. Espinal
 20 that day.
 21 Is the jury doing all right in terms of a break?
 22 Because we started so late, I'd like to push through a little
 23 bit. OK? If we had started at 9:15, by 11 I would have given
 24 you a break. But since we started at 10:40, we'll try to push
 25 through.

1 Does that refresh your recollection in regard to
 2 whether you spoke to Marcos Espinal on October 2?
 3 MR. SCHNEIDER: October 3, your Honor.
 4 THE COURT: I'm sorry. Thank you, sir. Thank you for
 5 refreshing my recollection.
 6 MR. SCHNEIDER: I can show you a document if you'd
 7 like.
 8 THE COURT: October 3.
 9 THE WITNESS: Yes. In reviewing the document, it
 10 shows they were in the precinct.
 11 THE COURT: No. It's not what's on the document.
 12 It's whether --
 13 THE WITNESS: It says here --
 14 THE COURT: Sir, the question is whether you have a
 15 recollection. You may or you may not. Go ahead.
 16 THE WITNESS: I have a very slight recollection.
 17 THE COURT: All right. What is that slight
 18 recollection?
 19 THE WITNESS: That Marcos Espinal, his dad, and a
 20 third person did come up to the precinct.
 21 THE COURT: On what day? The day of the shooting or
 22 after?
 23 THE WITNESS: It would be after the day of the
 24 shooting.
 25 THE COURT: All right. Move on.

1 MR. SCHNEIDER: Thank you.
 2 Q. Now, when you interviewed Marcos Espinal, after you gave
 3 him his Miranda rights and he waived them, did you know he was
 4 alleged to have been a gang member then, on October 3?
 5 A. I would have to say I think I got the name Ito probably
 6 would lead me to believe that he was a gang member. So I guess
 7 the answer --
 8 Q. We're talking about on October 3. Not later on.
 9 A. Oh, I can't -- I'm not sure.
 10 Q. Well, all the DD-5s that we spoke about, you prepared over
 11 80 in this case, give or take; does that sound about right?
 12 A. I'll take your word. Were there 80 of mine or 80
 13 altogether?
 14 Q. Well, let's say 80 altogether. Let's say there were 88
 15 altogether.
 16 A. All right. So they're not all mine.
 17 Q. OK. And you have what's called a case management system,
 18 where you indicate -- it's like a table of contents of what the
 19 DD-5, the number it is and what the document reflects. Does
 20 that sound right?
 21 A. Yes.
 22 Q. OK. Now, it's fair to say that on certain areas of DD-5s,
 23 there's a notation which asks for gang affiliation, gang
 24 identifier, gang name. Does that sound right, on DD-5s?
 25 A. Yes, I think there was a box for those to be filled out,

1 yes.
 2 Q. And isn't it fair to say that on every single DD-5
 3 completed in this case regarding Marcos Espinal it was blank?
 4 MS. ESPINOSA: Objection.
 5 THE COURT: See if he knows.
 6 Do you know, sir?
 7 THE WITNESS: I don't know why.
 8 THE COURT: I wouldn't think so.
 9 Next question.
 10 BY MR. SCHNEIDER:
 11 Q. If I were to show you any one of your DD-5s, would that
 12 refresh your recollection?
 13 A. I don't think so.
 14 Q. You don't? So if I were to show you 12 separate DD-5s
 15 prepared on 12 separate dates, that wouldn't help you remember
 16 that you put down -- that you didn't answer gang affiliation,
 17 gang name, or gang identifier?
 18 THE COURT: Your question's a separate one. Your
 19 question is whether they all were blank.
 20 Let's move on.
 21 Do you know whether they all were blank in that box,
 22 sir? Yes or no.
 23 THE WITNESS: No, sir.
 24 THE COURT: Next question.
 25 BY MR. SCHNEIDER:

1 Q. If I were to show you 12 specific ones from 12 specific
2 dates, would that help you remember that each one was blank
3 about gang name, gang identifier, gang affiliation --
4 THE COURT: If you were to do that, if you were to
5 show him 12 that were blank, that certainly would refresh his
6 recollection that those 12 were blank. He has no recollection
7 of whether all were blank. If you want to show him
8 80-some-odd, go ahead. Otherwise, move on.
9 MR. SCHNEIDER: Your Honor, I understand that we're
10 time stretched here. I don't need to show him 80, but there
11 were specific ones for those --
12 THE COURT: Sir, let's not testify here. Ask
13 questions.
14 MR. SCHNEIDER: I will.
15 THE COURT: And remember, ladies and gentlemen,
16 whatever the lawyers say is not evidence.
17 Move on.
18 MR. SCHNEIDER: OK. Can you please, Ms. Abrams, put
19 up 3509-14, page 1. I'm sorry. Just for counsel and the
20 witness, please.
21 Q. Is that one of your DD-5s, sir?
22 A. Can you flip to the next page so I can see the second page?
23 Q. Sure. When I say sure --
24 A. Just so I can see --
25 Q. -- Ms. Abrams --

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1 A. Usually on the end it's going to have --
2 THE COURT: Sir, is that one of your DD-5s? Yes or
3 no.
4 THE WITNESS: I can't see until I get to the bottom,
5 your Honor.
6 THE COURT: Are you looking for a particular page,
7 sir?
8 THE WITNESS: Yes, on the very bottom.
9 This is a complaint report. This is me, the follow-up
10 complaint report DD-5. This is the complaint report that was
11 prepared. What we do is, this report --
12 THE COURT: No, no. The question is is this one of
13 your DD-5s? Yes, no, or I don't know.
14 THE WITNESS: It's a complaint report, informational.
15 It's not a DD-5.
16 THE COURT: All right.
17 BY MR. SCHNEIDER:
18 Q. Compared to it would be a UF-61, is that right?
19 A. Yes.
20 Q. OK. So, just to step aside for a second, regardless of
21 whether it's your report, you were the investigating detective
22 who had access for the entire case file, right?
23 A. Yes.
24 Q. And if another detective was to complete a report, you
25 would have the ability and the desire to look at that report,

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1 wouldn't you?
2 A. Yes.
3 Q. Because you want to know what's happening in the
4 investigation, right?
5 A. Yes.
6 Q. And if something was missing, that was important to the
7 case, you would either correct it or tell the other detective
8 or make some note of it, isn't that right?
9 A. That's correct.
10 Q. OK. So is it fair to say that on -- see this? See where
11 it says gang-related?
12 A. You're going to have to move up, please.
13 MR. SCHNEIDER: On page 1, please. Page 1.
14 Q. See where it says gang-related?
15 MS. ESPINOSA: Objection.
16 THE COURT: Yes.
17 MR. SCHNEIDER: No, no. I'm not asking for the answer
18 yet, Judge. I want to just direct his attention to save time
19 so he doesn't have to read the whole report.
20 THE COURT: Direct his attention.
21 MR. SCHNEIDER: Thank you.
22 Q. See where it says gang-related?
23 THE COURT: I don't.
24 A. Yes.
25 THE COURT: Where is it?

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1 MR. SCHNEIDER: Kind of in the middle on the left, in
2 the little box.
3 THE COURT: Yes. OK.
4 BY MR. SCHNEIDER:
5 Q. Do you see that?
6 A. Yes.
7 Q. OK. Does that now refresh -- don't read from it. Does
8 that your recollection as to whether or not at the time you
9 didn't think that Mr. Ito, that Marcos Espinal was somehow
10 related, that this case was gang-related?
11 A. Well, this complaint, which is generated --
12 MS. ESPINOSA: Objection.
13 THE COURT: No, no, no.
14 THE WITNESS: I apologize, your Honor.
15 THE COURT: It's not what's in the complaint. The
16 question, sir, is at the time -- I take it that's October 2 and
17 October 3, did you think that Marcos Espinal -- that this case
18 was gang-related? Yes or no or I don't remember.
19 THE WITNESS: I don't remember, and this is not my
20 document. I don't prepare this.
21 MR. SCHNEIDER: OK. We'll move on.
22 Take this down, please, Ms. Abrams. Can you put up
23 3509-14, page 36, please.
24 Q. Do you see the area that says gang affiliation, gang name,
25 gang identifier? Do you see the area I'm talking about?

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1 A. Yes.
 2 Q. OK. Is this -- in fact, this is your name, is it not, Det.
 3 Gill? This is one of your DD-5s, correct?
 4 A. Yeah.
 5 Q. DD-5 No. 59, right?
 6 A. Yes.
 7 Q. OK. Does that help you remember that -- and by the way,
 8 this is dated, this is November 3, 2015, a month afterwards.
 9 THE COURT: Wait. Two thousand what?
 10 MR. SCHNEIDER: 2015. Did I say something wrong? I
 11 meant '15 if I didn't say it.
 12 THE COURT: 2015?
 13 MR. SCHNEIDER: Yes, yes, yes. March -- November 3.
 14 November 3, 2015.
 15 THE COURT: All right.
 16 MR. SCHNEIDER: I know. I know. Yes, 2015, a year
 17 later. Correct.
 18 THE COURT: Go ahead.
 19 BY MR. SCHNEIDER:
 20 Q. A year later, in your investigation, does this document
 21 help you remember that there's no indication that Marcos
 22 Espinal was gang affiliated, gang-related, or gang identifier?
 23 A. I don't remember.
 24 MR. SCHNEIDER: OK. Pull up 41, please.
 25 Q. Now, this is one of your follow-ups, correct? Follow-up

1 No. 66, is that right? I'm sorry. I thought you had it. I'm
 2 sorry.
 3 A. I need the second page to see who prepared it.
 4 MR. SCHNEIDER: I apologize. Well, you could look --
 5 no. I need page 41 and 42, please. Thank you, Ms. Abrams. I
 6 appreciate it.
 7 Q. That's your -- does that help you remember that's your
 8 name, your document?
 9 A. That's my document.
 10 MR. SCHNEIDER: OK. Go back to page 41 now, please.
 11 Q. See where it says gang affiliation, gang name, gang
 12 identifier? And the date is April 17 of 2016, year and a half
 13 afterwards. Is it fair to say that -- does this help you
 14 remember that Marcos Espinal was not, as far as you knew, gang
 15 affiliated, gang name, or gang identifier? Does that help you
 16 remember?
 17 A. Again, I'd have to say no.
 18 Q. And if I were to show you ten more of the same type of
 19 document, with the same indication; that wouldn't help you
 20 remember if I showed you ten more of the same, different dates?
 21 THE COURT: Sustained. Move on.
 22 BY MR. SCHNEIDER:
 23 Q. Now, when you questioned Mr. Espinal on October 3, after
 24 you gave him his Miranda rights, he admitted to being in the
 25 van?

1 MS. ESPINOSA: Objection.
 2 THE COURT: Sustained.
 3 MR. SCHNEIDER: Your Honor, I'm sorry. May we have a
 4 sidebar?
 5 THE COURT: No.
 6 MR. SCHNEIDER: I will be brief.
 7 THE COURT: Move on.
 8 MR. SCHNEIDER: It's not -- OK.
 9 Q. When you spoke to Mr. Espinal, did he lead you to the name
 10 of somebody else who you could possibly investigate?
 11 MS. ESPINOSA: Objection.
 12 THE COURT: All right. Sidebar.
 13 MR. SCHNEIDER: Thank you.
 14 (Continued on next page)

1 (At sidebar)
 2 THE COURT: All right. Let's get the record straight.
 3 What's the objection?
 4 MS. ESPINOSA: It calls for hearsay, your Honor. He's
 5 asking what Espinal told the detective.
 6 MR. SCHNEIDER: OK. No. 1, it's not being offered for
 7 the truth of the matter. That's No. 1.
 8 No. 2, they want to introduce that he pled guilty.
 9 I'm allowed to ask what this witness spoke to Espinal about.
 10 I'm not bringing out anything exculpatory about Mr. Pabon. I
 11 want to be clear about that. I want to bring out the fact that
 12 when he spoke to Mr. Espinal, Espinal gave him the name of
 13 somebody else. And then what the question is is what he did as
 14 part of the investigation.
 15 THE COURT: Yes, but it's an out-of-court statement.
 16 Just a moment. Just two of us at a time.
 17 MR. SCHNEIDER: I apologize.
 18 THE COURT: No more than two.
 19 It's an out-of-court statement said for the truth of
 20 the matter asserted. It's not really for the fact that he said
 21 it. It's the truth of what he said.
 22 MR. SCHNEIDER: It's not, because the fact is
 23 Mr. Espinal, who denied the shooting, so it's not -- it's not
 24 being offered for the truth. It's being offered for the fact
 25 that he, Espinal, gave this witness information where this

1 witness could act upon it. And whether he chose to act upon it
 2 or not, that's the issue. I don't care what Espinal said. OK?
 3 And so, again, I want to be clear, Espinal never said I did it
 4 alone.
 5 Espinal, what he said was, just so the record is
 6 clear: Yes, I was in the van. I heard shots, I drove away,
 7 but I -- I didn't do any shooting.
 8 And this detective didn't believe that. OK? And
 9 that's not the truth, because we know Espinal pled guilty to
 10 that. All right? So I'm allowed to ask this detective what he
 11 did in response to Mr. Espinal's statement, and that's all I'm
 12 trying to do.
 13 THE COURT: Why don't you ask him what he did in
 14 response to information obtained from Mr. Espinal .
 15 MR. SCHNEIDER: OK. But just to be clear -- I don't
 16 want to mislead anybody -- if I do that, my next question will
 17 be that he issued what's called an I-card, an identification
 18 card -- investigation card for Jeremy Estevez . OK? And then I
 19 would ask whether or not he ever spoke to Jeremy Estevez.
 20 That's all.
 21 MS. ESPINOSA: I think that's fine, your Honor.
 22 THE COURT: OK.
 23 How much longer do you have with him?
 24 MR. SCHNEIDER: Depends how many objections I get.
 25 Not that much longer. I don't know. I'll definitely be done

1 by lunch.
 2 THE COURT: This was going to be lunch. Are you
 3 talking about one? Is that what you're saying, by one?
 4 MR. SCHNEIDER: I'd be shocked if I'm not done before
 5 then.
 6 THE COURT: OK. Let's go.
 7 (Continued on next page)
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1 (In open court)
 2 THE COURT: Next question, sir.
 3 BY MR. SCHNEIDER:
 4 Q. After you spoke to Mr. Espinal, without telling us
 5 specifically what he told you, did you try to do any further
 6 investigation based on what he said?
 7 A. I don't recall, but I did further investigation.
 8 Q. Well, for example, he gave you the name of -- he said he
 9 was with Jeremy Estevez?
 10 MS. ESPINOSA: Objection.
 11 MR. SCHNEIDER: I thought that was fine.
 12 THE COURT: I'll allow that.
 13 BY MR. SCHNEIDER:
 14 Q. He gave you the name of Jeremy Estevez as being with him in
 15 the van, right?
 16 MS. ESPINOSA: Objection, your Honor.
 17 THE COURT: Did he or didn't he?
 18 THE WITNESS: Your Honor, I don't recall, but I
 19 know -- if he told me. But we did, maybe through another
 20 means, I think that name came up in the investigation.
 21 THE COURT: All right. Fine. In some way the name
 22 came up.
 23 Go ahead. Next question.
 24 BY MR. SCHNEIDER:
 25 Q. Didn't he identify to you Jeremy Estevez --

1 MS. ESPINOSA: Objection.
 2 Q. -- as being his brother?
 3 THE COURT: At this point, sustained.
 4 Move on.
 5 BY MR. SCHNEIDER:
 6 Q. Did you issue an I-card -- you know what an I-card is, an
 7 investigation card -- for Jeremy Estevez three days after you
 8 spoke to Mr. Espinal?
 9 A. I'm not sure it was three days afterwards, but I do
 10 remember an I-card was submitted for Jeremy.
 11 Q. I'm sorry?
 12 THE COURT: He remembers an I-card was issued for
 13 Jeremy.
 14 MR. SCHNEIDER: It's not me, right?
 15 THE COURT: Your first name is Jeremy?
 16 MR. SCHNEIDER: Yes, it is.
 17 THE COURT: All right. Ladies and gentlemen, meet
 18 Jeremy.
 19 Go ahead, sir.
 20 MR. SCHNEIDER: Thank you.
 21 Q. Now, regardless of the content of what Mr. Espinal said,
 22 you knew that part of what he said was not true, isn't that
 23 right?
 24 A. I don't really -- I can't say. I don't remember what he
 25 said, so I can't say it was true or it was not true.

1 Q. But you had seen a video. Before you spoke to him, you had
 2 seen a video of Marcos Espinal and Jeremy Estevez going into 65
 3 Post Avenue, right?
 4 A. If that was -- OK. That was Jeremy.
 5 Q. Yeah. And you saw --
 6 A. I remember looking -- yes, I viewed the video. I wasn't
 7 sure. I thought you just said he was with Jeremy, that that's
 8 who it was.
 9 Q. So just so I'm clear --
 10 A. I know --
 11 Q. -- 65 --
 12 A. I know I looked at video with Marcos going into 65 Post, if
 13 that's the address, that's the correct address he was living
 14 in, with somebody else.
 15 Q. And the person who was with him, somebody else, matched the
 16 clothes of the person you were watching before in these other
 17 videos that the government played here for the jury, right?
 18 A. I don't -- I can't say for sure. His clothes, yes.
 19 Q. I'm sorry?
 20 A. I believe it was his -- I remember identifying him. I
 21 don't remember identifying Jeremy.
 22 Q. And then you remember looking at that same video at 65 Post
 23 and a little bit less than an hour later seeing Marcos and
 24 someone else with him, possibly Jeremy, as far as you can
 25 remember, coming out in different clothes?

1 A. I remember video, people going in, and I don't remember if
 2 they have change of clothes coming out. But I do remember
 3 coming out. I have video of them coming out.
 4 MR. SCHNEIDER: Ms. Abrams, put up 3509 -13, page 11,
 5 please.
 6 Q. Now, you don't have to read this whole thing, it's kind of
 7 long. We can save time. You do remember getting an affidavit,
 8 preparing an affidavit to get a search warrant, did you not ?
 9 A. I -- for which, which location? For what? I obtained
 10 for -- at least two search warrants.
 11 Q. Yeah, for the van.
 12 THE COURT: Did you fill out an affidavit in order to
 13 obtain a search warrant from a judicial officer for the van
 14 that we've been discussing?
 15 THE WITNESS: I did the second one. The first one was
 16 incorrect.
 17 Q. OK. Right. So look at paragraph 13, page 11 on 3509-13.
 18 Look at paragraph 13, please, the very first sentence there.
 19 THE COURT: Just read it to yourself.
 20 MR. SCHNEIDER: To yourself, please.
 21 THE COURT: Now, does looking at that, sir, refresh
 22 your recollection in regard to whether or not the two men who
 23 left 65 Post Avenue were wearing different clothing than when
 24 they had entered? Yes or no or I don't know.
 25 THE WITNESS: No, your Honor.

1 BY MR. SCHNEIDER:
 2 Q. The search warrant -- at some point you did receive, get a
 3 search warrant to search the apartment , 65 Post, Marcos
 4 Espinal's apartment, right?
 5 A. Yes, I did.
 6 Q. And you recovered clothes, a computer, phones, right?
 7 A. Yes.
 8 Q. And those items were sent to the lab to be tested for
 9 scientific testing, right?
 10 A. The clothing, I remember -- I recovered clothing. There
 11 were certain items, possibly. I don't remember if anything was
 12 sent out or if I sent out anything for testing. But I believe
 13 I would have, but I can't say for sure right now. My memory --
 14 with my memory, I can't remember.
 15 MR. SCHNEIDER: OK.
 16 Ms. Abrams, 3509-14, page 29, please.
 17 Q. Is that one of your DD-5s, DD-5 follow-up No. 51 ?
 18 A. That's correct.
 19 Q. And look what it says. See where it says summary of
 20 investigation? Read it to yourself, please.
 21 See that? You just need to read those three lines there.
 22 You don't need to read the whole thing.
 23 Have you had a chance to see that?
 24 A. Yes.
 25 Q. OK. Does that help you remember that you, in fact, went to

1 go pick up some property and you delivered it, the evidence, to
 2 the NYPD lab in Queens on September 17, 2015? Does that help
 3 you remember?
 4 A. It refreshes my memory, but I don't -- by reading it
 5 refreshes my memory. But do I recall, with my memory, if I
 6 went there, did these things, no, it's not -- I can't remember
 7 that.
 8 Q. Now, as a result -- and you remember receiving some results
 9 from the DNA lab later on ; without telling us what THE results
 10 were, you received some results, right?
 11 A. If I submitted evidence, or evidence which IS submitted for
 12 DNA testing, you're going to get results back, yes.
 13 Q. As a result of receiving any of the evidence back, did you
 14 go speak to any witnesses connected to that evidence?
 15 A. I don't recall.
 16 Q. As far as you know, right as you sit here now, there was no
 17 DNA of Mr. Pabon recovered from the crime scene, ballistics,
 18 clothes, phones, or van, isn't that right?
 19 MS. ESPINOSA: Objection.
 20 MR. SCHNEIDER: As far as you know, as a detective
 21 overseeing this case.
 22 THE COURT: I'll allow it.
 23 You may answer if you know.
 24 A. I don't -- I don't remember.
 25 Q. You don't remember if his DNA was found anywhere?

1 MR. SCHNEIDER: Let me withdraw that.
2 A. I know -- I mean --
3 THE COURT: One at a time.
4 Go ahead, sir.
5 A. I can say if it was, I would remember. If it was on
6 anything, I can't say if it was.
7 Q. OK. So -- I mean you helped me to go to my next question.
8 Isn't it fair to say that having a perpetrator's DNA on
9 evidence is a significant piece of evidence to present to a
10 jury?
11 A. Yes, it is.
12 Q. And it's a significant piece of, an investigative tool if
13 DNA is recovered from evidence, and that DNA comes from a
14 perpetrator or defendant, right?
15 A. That's correct.
16 Q. So as far as you sit here now, you don't remember
17 specifically any DNA from anything -- crime scene, ballistics,
18 clothes, phones, van, nothing, DNA of Mr. Pabon's ?
19 A. I'd have to say that's correct.
20 Q. And no fingerprints, as far as you remember, of Mr. Pabon's
21 on any evidence, physical evidence, at all, correct?
22 A. I'd have to say that is correct.
23 Q. Now, you're generally familiar with different gangs in your
24 30 years of being a detective up in certain areas, right?
25 A. Yes.

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1 Q. I mean you have familiarity with the Latin Kings, right?
2 A. Yes.
3 Q. With the Bloods, right?
4 A. Not so much the Bloods where we are.
5 Q. OK. And how about DDP, Dominicans Don't Play, right?
6 A. Yes, I've heard of that.
7 Q. And Trinitarios, right?
8 A. Yes.
9 Q. Ever hear of the Hot Boys?
10 A. Yes.
11 Q. And the Krips?
12 A. The Krips, but I -- generally, we didn't deal with the
13 Krips in the north.
14 Q. They're mostly out West, right?
15 A. I don't know where.
16 Q. So to your knowledge, fair to say that the gangs that we've
17 spoken about, they have very specific language for each gang,
18 right?
19 A. I'm -- each gang has a specific name.
20 Q. Not just a name, but for example, each gang has a
21 particular hierarchy, right?
22 A. Can you explain a little further what you --
23 Q. Sure. Like the Latin Kings. OK? They have different
24 crowns, right? First crown, second crown, isn't that right?
25 A. Yes, I'm aware of that. Yes.

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1 Q. You're aware of that, and that's a hierarchy in terms of
2 what their role in the gang is, correct?
3 A. Yes.
4 Q. They also have other -- they have specific pledges or
5 oaths, a Latin king, that you have to belong, in order to
6 belong, you have to pass a test, right?
7 A. I'm not sure.
8 Q. They have certain rituals and meetings, the Latin Kings,
9 for example, or other gangs that you're aware of?
10 A. I know they have meetings, yes.
11 Q. And they have their own specific hand signs, isn't that
12 right?
13 A. That I know, yes.
14 Q. And they have specific codes or symbols, like the Bloods or
15 the Latin Kings have different symbols than other groups of
16 people?
17 MS. ESPINOSA: Objection. Relevance.
18 THE COURT: I'll allow it.
19 BY MR. SCHNEIDER:
20 Q. Isn't that right?
21 A. I'm not familiar with it, but --
22 Q. OK. Are you aware that different gangs have different
23 colors that are associated with that gang?
24 A. Yes.
25 Q. And some gangs have beads, B-E-A-D-S, that are associated

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1 with that particular gang, right?
2 A. Yes, I'm aware of the beads.
3 Q. And different kinds of clothing, right, sometimes?
4 A. I'm not sure about the clothing.
5 Q. OK. Now, you know -- what is the oath to get into the
6 200s? Do you know?
7 A. I do not know.
8 Q. Is there any particular ritual to get into the 200s?
9 A. I'm not aware of that.
10 Q. OK. Are you aware of them having any initiation fee?
11 MS. ESPINOSA: Objection, your Honor.
12 THE COURT: No. I'll allow it.
13 MR. SCHNEIDER: That means you may answer, sir.
14 THE COURT: Do you know whether or not the 200s have
15 an initiation fee?
16 THE WITNESS: I do not, your Honor.
17 THE COURT: You don't know one way or the other?
18 THE WITNESS: I do not.
19 BY MR. SCHNEIDER:
20 Q. What color is associated with the 200s?
21 A. I know certain ones, certain gangs wear certain colors.
22 I'm not sure which color. I know I saw a lot of greens. Saw
23 reds and blues.
24 Q. So the answer is you don't know what color is connected to
25 the 200s, do you?

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1 A. No.
2 Q. And is there any special clothing connected to the 200s ?
3 A. Not that I'm aware of. I do not know.
4 Q. Now, throughout your years of the investigation here, you
5 were involved in a thorough investigation to try to solve
6 these -- this crime, right?
7 A. We try, yes.
8 Q. And during all of the years -- by the way, you formally
9 arrested -- I'm using that word in quotes -- Mr. Pabon on
10 February 4 of 2019, isn't that right?
11 A. Say that again? Sorry?
12 Q. Well, you knew that Mr. Pabon had been taken into custody
13 by the federal authorities on this case, right?
14 A. No, I did not.
15 MR. SCHNEIDER: Ms. Abrams, 014, page 28, please.
16 Actually, I'm sorry. Make that 71, please. I'm
17 sorry. I apologize. 3509-14, page 71, please. Page 71.
18 Thank you.
19 Q. OK. If you look at paragraph 5 -- yeah, paragraph 5, read
20 that to yourself. Does that refresh your recollection as to
21 whether or not Mr. Pabon was the subject of a federal
22 indictment? And look at paragraph 6 as well.
23 A. I was not made aware that -- of his arrest, that I recall.
24 THE COURT: Next question.
25 MR. SCHNEIDER: OK.

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1 Q. Didn't you formally arrest him just to have, close out the
2 state case or the state investigation on February 4, 2019? No?
3 A. I'm getting worried here. No, I don't remember.
4 Q. Look at page --
5 MR. SCHNEIDER: I'm sorry, 3509-14 page 71, paragraph
6 6.
7 Q. Look at paragraph 6, please, just that paragraph.
8 THE COURT: No.
9 MR. SCHNEIDER: I'm sorry?
10 THE COURT: What's your question, sir?
11 BY MR. SCHNEIDER:
12 Q. Didn't you arrest Mr. Pabon on February 4, 2019, after --
13 after -- his federal indictment in the Southern District of New
14 York?
15 A. I don't remember doing an online booking sheet or
16 fingerprinting him, no.
17 MR. SCHNEIDER: OK. I'm just about done, your Honor.
18 Q. So, during the entire investigation that you were involved
19 here, isn't it fair to say that no victim ever identified a
20 photograph of Christian Pabon as being involved in the
21 shooting?
22 A. I don't remember ever showing people his photograph, but I
23 can say that if they identified him, I would remember.
24 Q. And as you sit here now, you don't remember him being
25 identified by any victim, correct?

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M53Wpab3 Gill - Cross
1 A. I don't remember him being identified.
2 Q. OK. And isn't it fair to say that no victim ever
3 identified Christian Pabon by name or nickname as the shooter
4 being involved in this case, as a shooter being involved in
5 this case?
6 A. Again, I don't remember.
7 Q. OK. And is it fair to say that if a witness did, you would
8 remember that?
9 A. Yes.
10 Q. Now, I'm talking about -- now talking about a witness,
11 noncooperator. OK? Did any civilian witness ever identify a
12 photograph of Christian Pabon as being involved in the
13 shooting?
14 A. I don't remember one being identified, no.
15 Q. And again, if they did, you'd remember that, right ?
16 A. I would remember it, yes.
17 Q. And isn't it fair to say that no witness, civilian witness,
18 ever identified Christian Pabon by name or nickname as being
19 involved in the shooting? Did they?
20 A. Again, I don't remember, but if they had, I'm sure -- I
21 hope I would remember.
22 Q. OK. And no clothes of his were ever specifically
23 identified or recovered or mentioned or described by any
24 witness or victim, isn't that right?
25 A. I did not recover any of his clothing, no.

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165 M53Wpab3 Gill - Cross 166
1 Q. And no DNA of his was found anywhere, correct?
2 MS. ESPINOSA: Objection.
3 THE COURT: Asked and answered.
4 Next.
5 MR. SCHNEIDER: Thank you. I have nothing else.
6 THE COURT: All right. Ladies and gentlemen, let's
7 take your lunch break now. It's twenty to one. Be back at a
8 quarter to two, slightly more than an hour. Assemble in my
9 jury room right here. Again, 23rd floor, courtroom 23A. Don't
10 come into the courtroom.
11 Enjoy your lunch. And if you've brought your lunch,
12 you can stay, you can unmask while you're eating in the jury
13 room.
14 Thank you.
15 (Continued on next page)
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(Jury not present)

THE COURT: All right. A quarter of two, everyone.

Thank you.

Is there going to be redirect?

MS. ESPINOSA: Your Honor, there may be very brief

redirect.

THE COURT: All right. See you at quarter of two.

(Luncheon recess)

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AFTERNOON SESSION

1:45 p.m.

(Jury not present)

THE COURT: All right. We are waiting for two jurors.

You may be seated. You may be seated in the courtroom.

(Pause)

THE COURT: Still missing two.

(Continued on next page)

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M532Pab4 Gill - Redirect

(Jury present)

THE COURT: You may be seated in the courtroom.

You may do the redirect examination of Detective

Gill.

Ladies and gentlemen, the way it works is one side asks questions, the other side gets to ask question s, and if the original side wants to ask questions again, they have the opportunity to do it. So that's what the redirect is now.

REDIRECT EXAMINATION

BY MS. ESPINOSA:

Q. Good afternoon, Detective.

A. Good afternoon.

Q. You were asked some questions on your cross-examination about DNA. Do you recall that?

A. Yes.

Q. I'm just going to ask a couple of questions, and I want to be clear that I'm only asking you about your personal knowledge. Okay?

Do you personally know whether the defendant's DNA was on file?

A. I do not know.

Q. Do you personally know if anyone ever swabbed the defendant for DNA?

A. I do not know.

Q. And do you personally know whether any DNA collected at the

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scene was ever compared to the defendant?

A. I do not know.

MS. ESPINOSA: Nothing further, your Honor.

THE COURT: Okay. Anything?

MR. SCHNEIDER: Yes.

THE COURT: Go ahead.

RECROSS EXAMINATION

BY MR. SCHNEIDER:

Q. Detective, if you wanted to swab the defendant, you could have tried to swab him and gotten a warrant the same way you got a warrant for Mr. Espinal, correct?

A. With a warrant, yes.

Q. And if you wanted to check his DNA, you could ask him either to voluntarily give his DNA or get a warrant and have a judge order it, if you wanted, correct?

A. That's correct.

MR. SCHNEIDER: Thank you. Nothing else.

THE COURT: All right. You may step down, sir. Thank you. Put your mask on. You are excused.

(Witness excused)

MR. HOBSON: Your Honor, the government is going to read a brief stipulation, and then we will call our next witness.

THE COURT: All right, fine.

MR. HOBSON: Your Honor, I am going to now read what

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has been marked as Government Exhibit S6, which is a stipulation between the parties.

THE COURT: Sir.

MR. HOBSON: The parties have agreed that government Exhibits 301 through 328B and their subparts are true and accurate copies of records of Meta Platforms, Incorporated, which operates Instagram, the social media platform, for the Instagram account belonging to Christian Pabon, the defendant. This account will be referred to as the Pabon Instagram account.

The Pabon Instagram account bears the online identifier PrettiestGangsta200 and was registered under the name Pretty Boy Banga a/k/a "The Bang Man."

The dates, times, and participant attributions in Government Exhibits 301 through 328 B and their subparts are true and accurate.

It is further stipulated and agreed that the above government exhibits and the stipulation may be received in evidence at trial.

Your Honor, at this point I would like to offer Government Exhibit S6 and Government Exhibits 301 through 328B into evidence.

THE COURT: Admitted by stipulation.

(Government's Exhibits S6 and 301 through 328B received in evidence)

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MR. HOBSON: Ms. Abrams, if you could publish the stipulation to the jury.

Your Honor, we can keep that up for a moment, but at this time I am prepared to call our next witness, Raymond Castillo.

THE COURT: Go ahead.

MR. HOBSON: Your Honor, the defendant is in custody, so I will need the marshals to bring him out.

(Pause)

MR. HOBSON: I'm told he is coming.

RAYMOND CASTILLO,
called as a witness by the government,
having been duly sworn, testified as follows:

THE COURT: Thank you. Welcome, Mr. Castillo. You may be seated. You may take your mask off if you wish. Move forward and speak directly into that microphone. Lower the microphone to in front of your mouth.

All right. Your witness.

DIRECT EXAMINATION

BY MR. HOBSON:

Q. Mr. Castillo, I'm going to suggest, if you are comfortable with it, that you remove your mask completely. I think it will be easier to hear you.

A. (Witness complies).

Q. You said your name is Raymond Castillo. Do you go by any

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nicknames?

A. Yes.

Q. What nickname?

A. Raymito.

Q. How old are you, Mr. Castillo?

A. 30.

Q. Where were you born?

A. Here in America.

Q. Where in America?

A. In the Upper West Side of Manhattan, Allen Presbyterian Hospital.

Q. Where did you grow up?

A. In the Upper West Side in the neighborhood of Dyckman.

Q. Where is the neighborhood of Dyckman?

A. Washington Heights.

Q. Where do you live right now?

A. Essex County Correctional Facility.

Q. Is that a jail?

A. Yes.

Q. How long have you been in jail?

A. 57 months.

Q. Do you remember what month you were arrested?

A. August of 2017.

Q. What were you arrested for?

A. Kidnapping.

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Q. Since your arrest, have you pled guilty to any crimes?

A. Yes.

Q. What crimes?

A. Racketeering, kidnapping, distribution of drugs, rival robberies, home invasion, fraud, pimping, and promoting prison contraband.

Q. We are going to discuss those in a little more detail later, but I want to start with one of them, and that's racketeering. What do you understand that term to mean?

A. A group of people, a group of guys committing organized crimes, we come together to commit crimes together.

Q. Were you in such a group?

A. Yes.

Q. What group were you in?

A. The 200.

Q. What was the 200?

A. It's a street gang.

Q. And were you in fact a member of the 200?

A. Yes.

Q. Mr. Castillo, do you know a person named Christian Pabon ?

A. Yes.

Q. Looking around the court -- and actually, your Honor, at this point I would like to ask if the individuals seated in the well of the courtroom could remove their masks.

THE COURT: Yes. Please, everybody in the well remove

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1 your masks.

2 Do you see Mr. Pabon, sir, in this courtroom?

3 MR. HOBSON: And if you need to stand up, you can.

4 THE WITNESS: Yes.

5 THE COURT: Where is he?

6 THE WITNESS: Behind that screen back there.

7 THE COURT: Do you see what he is wearing? Is he in

8 the front table or the back table.

9 THE WITNESS: The back table.

10 THE COURT: And is he on the left, in the middle, on

11 the right?

12 THE WITNESS: He is next to that lady right there.

13 THE COURT: All right. The witness has identify the

14 defendant. Thank you, sir.

15 Proceed.

16 BY MR. HOBSON:

17 Q. Do you know the defendant by any nicknames?

18 A. Yes.

19 Q. What nickname?

20 A. Banga.

21 Q. Ms. Abrams, if you could please show the witness, the

22 Court, and the parties, but not the jury, what's been marked as

23 Government Exhibit 501.

24 Mr. Castillo, do you recognize the person shown in

25 501?

1 A. Yes.

2 Q. Who is that person?

3 A. Banga.

4 MR. HOBSON: Your Honor, I would like to offer

5 Government Exhibit 501 into evidence.

6 MS. MACEDONIO: No objection.

7 THE COURT: Admitted.

8 (Government's Exhibit 501 received in evidence)

9 THE COURT: When you say Banga, you mean the
10 defendant, is that correct?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: All right.

13 BY MR. HOBSON:

14 Q. Ms. Abrams, if you could publish for the jury. Ms. Abrams,
15 you can take it down now.

16 When you were in the 200, did you commit any crimes

17 with the defendant?

18 A. Yes.

19 Q. What crimes?

20 A. Robberies and shootings.

21 Q. Was the defendant in the 200 with you?

22 A. Yes.

23 Q. You said that you have pled guilty to a number of crimes.

24 Have you been sentenced yet?

25 A. No.

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1 Q. Before you pled guilty, did you enter into a cooperation
2 agreement with the government?

3 A. Yes.

4 Q. What do you understand you have to do under that agreement?

5 A. Tell the government all the truth of the crimes I committed
6 and my history of crimes.

7 Q. What are you hoping to gain by cooperating?

8 A. Some leniency in my sentencing.

9 Q. We will talk about the cooperation agreement more in a
10 minute.

11 First I would like to talk about the 200. What is the 200?

12 A. A street gang that we created to protect the neighborhood.

13 Q. What neighborhood?

14 A. Dyckman, Inwood Heights.

15 Q. Where is Dyckman?

16 A. It's a neighborhood in Upper West Side of Washington
17 Heights.

18 Q. Why was the gang called the 200?

19 A. Because Dyckman is on 200th Street.

20 Q. Ms. Abrams, if you could please show the parties, the
21 witness, and the Court, what has been marked as Government
22 Exhibit 233.

23 Mr. Castillo, do you recognize what's shown in this
24 picture?

25 A. Yes, that's the Dyckman train station.

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1 MR. HOBSON: Your Honor, we offer this into evidence?

2 MS. MACEDONIO: No objection.

3 THE COURT: Admitted.

4 (Government's Exhibit 233 received in evidence)

5 MR. HOBSON: Please publish, Ms. Abrams.

6 THE COURT: When say train station, you mean New York

7 City subway station?

8 THE WITNESS: Yes, the Dyckman one.

9 THE COURT: Pardon me?

10 THE WITNESS: Yes, the Dyckman one.

11 THE COURT: All right.

12 BY MR. HOBSON:

13 Q. Just to clarify, this is a picture of the Dyckman stop of
14 the subway?

15 A. Yes.

16 Q. What was the purpose of the 200?

17 A. To represent the neighborhood.

18 Q. And what neighborhood?

19 A. Dyckman.

20 Q. If I could please show you what's already in evidence as
21 Government Exhibit 235.

22 Mr. Castillo, could you please show me where on this
23 map the Dyckman neighborhood is, and you can draw it with your
24 finger, I believe.

25 Your Honor, let the record reflect that the defendant

has circled the area around Dyckman Street.

MR. SCHNEIDER: Your Honor, I'm sorry. He said "the defendant."

MR. HOBSON: I apologize.

The witness has circled the area around Dyckman Street in the Inwood neighborhood of Manhattan.

BY MR. HOBSON:

Q. Now, Ms. Abrams, if you could please show what's already in evidence as Government Exhibit 234.

Mr. Castillo, do you recognize the area shown on this map?

A. Yes.

Q. What is it?

A. Yes. It's the streets of Dyckman.

Q. Ms. Abrams, we can take this down now.

When was the 200 founded?

A. Towards the ending of 2012, the beginning of 2013.

Q. Who founded it?

A. Three of us—Milton Chardon; myself, Raymond Castillo; and Dinero.

Q. I want to take those one at a time. Who was Milton Chardon?

A. It's my best friend.

Q. How did you know Milton?

A. Known since we were little kids.

Q. Do you know where Milton was from?

A. Yes.

Q. Where?

A. Dyckman.

Q. Did Milton have any nicknames?

A. Yes.

Q. What were his nicknames?

A. Blanquito and Maybach.

Q. To your knowledge, why was he called Maybach?

A. Because he was the boss and the Maybach is the symbol of a boss car.

Q. Ms. Abrams, if you could please show the Court, the witness, and the parties what's been marked as Government Exhibit 203.

Do you recognize the person in this photograph?

A. Yes.

Q. Who is that person?

A. It's Milton, Maybach.

MR. HOBSON: Your Honor, we offer Government Exhibit 203 into evidence.

MS. MACEDONIO: No objection.

THE COURT: Admitted.

(Government's Exhibit 203 received in evidence)

MR. HOBSON: May we publish?

THE COURT: Yes.

BY MR. HOBSON:

Q. Mr. Castillo, are you familiar with Milton's tattoos?

A. Yes.

Q. Which of the tattoos in Government Exhibit 203, if any, relate to the 200?

A. Around his neck it says 200 in red.

Q. Ms. Abrams, if I could have you focus in on that.

Is it the red language you were referring to that says

"2hunnit"?

A. Yes.

Q. What are the words above that?

A. It says "DNA."

Q. What is your understanding of what that means?

A. The DNA that run through his veins is 200.

Q. Ms. Abrams, if you could zoom out there and then zoom into the tattoo just below the 2hunnit tattoo.

Mr. Castillo, what is this tattoo?

A. "Dyckman world."

Q. What is your understanding of what that signifies?

A. Dyckman runs the world.

Q. And Ms. Abrams, we can zoom out from that and if you could zoom in on the one below.

Mr. Castillo, what is your understanding of what this tattoo says?

A. It is hands of a guy standing behind bars and it says "Ito gang."

Q. What is your understanding of what that means?

A. Showing loyalty to Ito.

Q. We will look at this again later and we will talk about Ito a little more later. For now we can take down Government Exhibit 203.

I believe you testified that there were three people who founded the 200s—yourself, Milton and Dinero. Who was Dinero?

A. A childhood friend of mine also.

Q. How did you know Dinero?

A. Since the fifth grade of school.

Q. To your knowledge where was Dinero from?

A. Dyckman.

Q. Mr. Castillo, where were you when you founded the 200?

A. In Washington Correctional Facility.

Q. Is that a jail?

A. Yes.

Q. Is that a state jail or a federal jail?

A. State jail.

Q. Why were you in jail?

A. For kidnapping, coercion.

Q. Who did you kidnap?

A. A kid named Andrew.

Q. Why did you kidnap Andrew?

A. He had some ongoing problem with one of my friends and he owed some money.

1 Q. What friend?
 2 A. My codefendant at the time Jay Calderon, Orejita.
 3 Q. And so what did you do.
 4 A. Me and Milton seen him and we grabbed him up and brung him
 5 to Orejita, and then we stripped him, took his money, his
 6 clothes, and beat him.
 7 Q. And when did that happen? What year?
 8 A. August of 2009.
 9 Q. Now, you said Milton did this with you. Is that Milton
 10 Chardon?
 11 A. Yes.
 12 Q. And was Milton in jail at the time?
 13 A. Yes.
 14 Q. Were you in the same cell block as Milton and Dinaro?
 15 A. No.
 16 Q. You said you, Milton, and Dinaro founded the gang while you
 17 were in jail. How did you communicate to found the gang?
 18 A. Through letters and through conference calls at night.
 19 Q. Of the three of you, who first had the idea to found the
 20 200?
 21 A. Milton.
 22 Q. What was the purpose of the 200?
 23 A. To take over the neighborhood.
 24 Q. What do you mean by take over?
 25 A. To control the neighborhood.

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1 Q. And what neighborhood?
 2 A. Dyckman.
 3 Q. How were you going to take over the neighborhood?
 4 A. By promoting violence and drugs.
 5 Q. Were members of the 200 sometimes in gangs other than the
 6 200s?
 7 A. Yes.
 8 Q. To your knowledge, was Milton in another gang?
 9 A. Yes.
 10 Q. Do you know what gang?
 11 A. Yes, it was Trinitario.
 12 Q. Trinitario?
 13 A. Yes.
 14 Q. Please tell the jury who are the Trinitarios?
 15 A. That is a Dominican gang that was first founded in the
 16 Dominican Republic and then it was established here on Rikers
 17 Island.
 18 Q. And I think you were a little close to the microphone
 19 there. Did you say first founded in the Dominican Republic?
 20 A. Yes, it was first founded in the Dominican Republic and
 21 then established on Rikers Island.
 22 Q. Was Dinaro in another gang?
 23 A. Yes.
 24 Q. What gang?
 25 A. Trinitario.

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1 Q. Were you in another gang?
 2 A. Yes.
 3 Q. What gang?
 4 A. Mac Balla.
 5 Q. Who were the Mac Ballas?
 6 A. It's a set inside of the Bloods.
 7 Q. So I want to define a couple of those things. First of
 8 all, who are the Bloods?
 9 A. It's a national gang of -- a group of gang members. They
 10 call themselves the Bloods. It was started in California.
 11 Q. And you said that the Mac Ballas are a set of the Bloods .
 12 What do you mean by a set?
 13 A. Like a branch of the Bloods, Bloods that ran in different,
 14 like, hoods, they are called sets. And the Mac Ballas is a
 15 branch of Bloods.
 16 Q. To your understanding, as a member of the 200, was a
 17 member's loyalty to the 200 or to his other gang?
 18 A. To the 200.
 19 Q. Who, if anyone, were the leaders of the 200?
 20 A. Milton, myself, and Dinaro.
 21 Q. What, if any, title did you have as leaders of the gang?
 22 A. Big 200.
 23 Q. I'm sorry Big 200?
 24 A. Yes.
 25 Q. Did each of you hold the title of Big 200?

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1 A. Yes.
 2 Q. Did you all have the same amount of authority?
 3 A. Yes.
 4 Q. Was Milton the same rank as you and Dinaro?
 5 A. No, he was higher. He was respected more.
 6 Q. How so?
 7 A. Because he came home before all of us and he was able to
 8 establish himself longer on the streets with the gang.
 9 Q. What do you mean by that?
 10 A. Well, he came home before we—me and Dinaro—came home, so
 11 Milton was able to establish hisself in the neighborhood and
 12 gather up everybody that he felt was fit to be 200 to take over
 13 the neighborhood. So he became the face and more respect and
 14 well more known.
 15 Q. You say came home, do you mean came home from jail?
 16 A. Yes.
 17 Q. Approximately how many people were in the 200?
 18 A. Started off as a small group, maybe 10, 20. Then it
 19 expanded out to the whole neighborhood, probably well over 40,
 20 50 people.
 21 Q. Well over 40 or 50?
 22 A. Yes.
 23 Q. How did someone become a member of the 200 ?
 24 A. At first it was just if we knew you and we knew you was
 25 about the life, you wasn't scared to put in work or sell drugs.

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1 And then it became you had to commit a crime to become 200.
 2 That was through shooting or you needed to help distribute
 3 drugs for the gang.
 4 Q. Okay. I want to take that in some pieces. Okay?
 5 First of all, you said we could make you a 200. Who is the
 6 "we" you were referring to there?
 7 A. Milton, myself, Dinaro, or whoever we gave say-so to.
 8 Q. And you said someone had to show that they were about the
 9 life. What did you mean by "the life"?
 10 A. That he wasn't scared to commit crimes or to hurt people.
 11 Q. And you said that they could show this by putting in work.
 12 What do you mean by putting in work?
 13 A. It's a street slang for robberies, shootings, things of
 14 that nature.
 15 Q. When someone was in the 200, could they be kicked out of
 16 the 200?
 17 A. Yes.
 18 Q. Who had the power to kick someone out of the gang ?
 19 A. Milton, Dinaro, myself, or anybody that we gave say-so to.
 20 Q. What were the reasons you would kick people out of the
 21 gang?
 22 A. Disloyalty, signs of weakness, and for hanging out with
 23 rival gangs, couldn't be trusted.
 24 Q. What types of disloyalty?
 25 A. Cooperation, giving any government official cooperation,

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1 the defendant. We knew he was always on stand by and willing
 2 to handle the problem.
 3 Q. Why did being a shooter give him the power to let people
 4 into the gang?
 5 A. Because he needed to be respected, and that made him sort
 6 of like a Big 200.
 7 Q. Are you saying that the role as a shooter made him a Big
 8 200?
 9 A. Yes.
 10 Q. If we could turn back to Government Exhibit 234, which was
 11 the map you were looking at earlier.
 12 Mr. Castillo, what did you consider to be the 200's
 13 territory?
 14 A. Academy and Nagle right here.
 15 Q. I'm sorry. You leaned away from the microphone a second.
 16 A. Academy and Nagle circled there and Sickles and Sherman to
 17 Arden and Sherman also. Those are the 200 headquarters for the
 18 200 territory in the neighborhood.
 19 Q. Would you draw a circle around what you generally
 20 considered to be the 200's territory.
 21 A. (Witness complies).
 22 Q. Let the record reflect that the defendant has indicated the
 23 area surrounded by Hillside Avenue, Broadway, and Nagle Avenue
 24 and, I'm sorry, Tenth Avenue on the east.
 25 Mr. Castillo, you circled two headquarters—one at

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1 not being loyal to the 200s in any other aspect, and for
 2 chilling with rival gang members which you couldn't be trusted.
 3 Q. And by cooperation, do you mean cooperating with the
 4 government?
 5 A. Yes.
 6 Q. You said one of the reasons -- I think you said that one of
 7 the reasons you could be kicked out is for being weak, is that
 8 correct?
 9 A. Yes.
 10 Q. What do you mean by that?
 11 A. You wasn't built to be 200. You had no use. You
 12 couldn't -- you wasn't -- couldn't put in no work, selling no
 13 drugs. You wasn't bringing no income into the organization to
 14 help us further the organization.
 15 Q. You said that at first it was you, Milton, and Dinaro who
 16 had the power to bring people in and out of the gang. At some
 17 point did other people have that power?
 18 A. Yes.
 19 Q. Did the defendant ever have that power?
 20 A. Yes.
 21 Q. Why did the defendant did have that power?
 22 A. Because the defendant was the main shooter.
 23 Q. What do you mean by that?
 24 A. The defendant, if we had any problems and we needed
 25 somebody shot or somebody to shoot up a block, we would call

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M532Pab4 Castillo - Direct

1 Academy and Nagle and one at Sherman and Sickles. What, if
 2 anything, happened at those spots?
 3 A. That's where we hung out at and sell drugs at.
 4 Q. When you say "we," do you mean the 200?
 5 A. Yes.
 6 Q. Did you ever see the defendant at these spots?
 7 A. Yes.
 8 Q. Both spots?
 9 A. Yes, but he more frequently was at Sickles or Arden and
 10 Sherman.
 11 Q. And I believe you circled it already, but if you could
 12 circle that one more time on the map so we are sure we
 13 understand which one you mean. Thank you.
 14 Your Honor, please let the record reflect that he circled
 15 the area around Sherman Avenue and Sickles Street.
 16 Ms. Abrams, if you could please show to the witness,
 17 the Court, and the parties what's been marked as Government
 18 Exhibit 201.
 19 Mr. Castillo, do you recognize what's in this picture?
 20 A. Yes.
 21 Q. What is it?
 22 A. That's the building on Arden and Sherman.
 23 MR. HOBSON: Your Honor, we move to introduce this
 24 into evidence.
 25 MS. MACEDONIO: No objection.

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1 THE COURT: Admitted.

2 (Government's Exhibit 201 received in evidence)

3 BY MR. HOBSON:

4 Q. Ms. Abrams, please publish to the jury.

5 So for the jury, Mr. Castillo, what's in this
6 photograph?

7 A. It's the building on Arden and Sherman.

8 Q. The building -- what happened at that building?

9 A. That's where the defendant hangs out at, and right across
10 the street from there is Sickles and Sherman, where all the 200
11 guys be at.

12 Q. We can take this exhibit down now.

13 Mr. Castillo, did members of the 200 use any particular
14 saying to one another to show that they were members of the
15 gang?

16 A. Yes.

17 Q. What would they say to each other?

18 A. In jail we would say two double O.

19 Q. Two double O?

20 A. Yes.

21 Q. Why two double O?

22 A. 200. Itself self-explanatory. That's the street.

23 Q. Did the 200 have any special handshakes to signal being a
24 member of the 200?

25 A. Yes. We had a hand sign that was like this (indicating).

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1 part, we come here, we interlock it. We throw 200 with the 2.
2 We lock the 2, bring it down. The 2 becomes two double zeros,
3 and keep these two fingers out, it's 200.

4 THE COURT: Next question.

5 BY MR. HOBSON:

6 Q. Did you ever see the defendant make that handshake?

7 A. Yes, I used to do it with him all the time.

8 Q. Did you ever see the defendant make the 200 hand signal?

9 A. Yes.

10 Q. How often?

11 A. Every picture, any time we met up, any hand gesture we did
12 is 200 of everything.

13 Q. I have been referring to the gang as the 200 like the
14 number, but how did you spell it in the gang?

15 A. 2 H-U-N-N-I-T, 2hunnit.

16 Q. I could pull up Government Exhibit 203 again, which is
17 already in evidence. This is the picture of Milton Chardon.

18 A. Yes.

19 Q. Ms. Abrams, if you could zoom in on the neck tattoo there.

20 Turning again to Milton's tattoo, how is the gang's
21 name spelled in this tattoo?

22 A. 2, number 2, H-U-N-N-I-T, 2hunnit.

23 Q. Ms. Abrams, you can take this down now.

24 If you could please show the defendant what is already in
25 evidence as Government Exhibit 304, and if you could zoom in on

1 Q. The hand sign, can you please describe what you are doing
2 with your hand?

3 A. The pinky finger and my index finger, which is one, two,
4 and then the two middle ones with the thumb, double O, 200.

5 Q. So the pinky and forefinger are extended and the two middle
6 finger are folded over into a zero, double zeros, is that
7 correct?

8 A. Yes.

9 Q. And I think you essentially said this, but why is that a
10 handle signal for the 200s?

11 A. Because it says 200 to us.

12 And then we had a handshake, which the handshake was
13 like this (indicating). The first was just foreplay because it
14 looks cool. The last part is the important part, because we
15 interlock 200, we lock it, bring it down. It's 2, double O,
16 200.

17 Q. So I'm not sure how well the jury could see that. So if
18 you could try to explain for them what you did at the end of
19 the handshake, I take it the two interlocking hands --

20 THE COURT: Why don't you stand up, sir, show them
21 again, and as you do it, you can describe it.

22 And ladies and gentlemen, I won't ask you all to do
23 it.

24 A. Beginning with this -- can you hear me? Beginning with
25 this, just because it looks nice, foreplay, but the important

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Castillo - Direct

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1 the picture, please.

2 Mr. Castillo, do you recognize the men in this picture?

3 A. Yes.

4 Q. From left to right, please identify them.

5 A. That's Milton, Banga.

6 Q. Milton is on the far left?

7 A. Yeah, Milton right here with the white shirt and the hat on
8 with the Gucci belt. You got Banga with the -- doing the hand
9 signal, like he got two guns, with the cream sweater and the
10 white belt. The other kid is some kid called Little Chris.
11 The other one is Necio and the last one is Tito.

12 Q. Are any of them displaying 200 hand signs?

13 A. Yes.

14 Q. Which ones?

15 A. Milton and Tito.

16 Q. And how are they -- what hand sign are they making?

17 A. (Indicating).

18 Q. Let the record reflect that the defendant is holding up his
19 two end fingers with the two middle fingers folded over into
20 zeros.

21 Do you know what hand signal the defendant is making
22 in that picture?

23 A. Yes, like he got two guns.

24 Q. Like he has two what?

25 A. Two guns.

1 Q. Two guns?
 2 A. Yeah.
 3 Q. In your experience, did the 200 often advertise their
 4 membership in the gang on social media?
 5 A. Yes.
 6 Q. How did they do that?
 7 A. By throwing up a gang signal or behind your name, you put
 8 whatever your name is 200.
 9 Q. Did you do that?
 10 A. Yes.
 11 Q. Ms. Abrams, if you could please put up Government Exhibit
 12 307, which is already in evidence.
 13 Focus in on the picture. Do you recognize the people
 14 in this photograph?
 15 A. Yes.
 16 Q. Who are they?
 17 A. The defendant and Tito.
 18 Q. Are they members of the 200?
 19 A. Yes.
 20 Q. Are either of them displaying 200 hand signs?
 21 A. Yes.
 22 Q. Which ones are displaying 200 hand signs?
 23 A. They both are. They are doing this (indicating).
 24 Q. Ms. Abrams, if you could please put up Government Exhibit
 25 315, which is already in evidence.

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1 THE COURT: And when the witness said "doing this," he
 2 held up his forefinger and pinky extended and the two middle
 3 fingers were curled.
 4 Q. Mr. Castillo, look at Government Exhibit 315, do you
 5 recognize some of the people in this photograph?
 6 A. Yes.
 7 Q. What signs, if any are, they making with their hands?
 8 A. Throwing up 200, *patria*, Sex Money.
 9 Q. Which individuals are throwing -- and you can circle them
 10 if you would like -- are throwing up 200 hand signs?
 11 Please let the record reflect that the witness has circled
 12 two individuals on the left of the photograph.
 13 A. I can't see the last one.
 14 Q. I'm sorry, Mr. Castillo?
 15 A. I can't really tell whether the guy in the back is throwing
 16 up, so I didn't circle that one.
 17 Q. Thank you.
 18 Mr. Castillo, I'm now going to play a video, which is
 19 already in evidence, Government Exhibit 319B.
 20 I'm going to play it once and then I'm going to play it
 21 again and ask you to identify some of the people you recognize
 22 in the video, if anyone.
 23 (Video played)
 24 Q. Mr. Castillo, did you recognize any members of the 200 in
 25 that video?

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1 A. Yes.
 2 Q. I'm now going to play the video again and if you can
 3 identify some of the 200 members that you see as their faces
 4 come on the screen, please do so.
 5 A. The defendant. He is 200. The defendant. He is 200.
 6 Mapes. He is 200.
 7 Q. M-A-P-E-S?
 8 A. And those guys that are throwing up Sex Money, those are
 9 the defendant's friends. They are 200 under him.
 10 (Video played)
 11 MR. HOBSON: Ms. Abrams, we can stop the video.
 12 Q. Sir, a couple things there I just want to get a little more
 13 information about. You said some of the individuals were
 14 throwing up Sex Money. What does that mean?
 15 A. That's another set inside of the Bloods organization.
 16 Q. Sex Money is?
 17 A. Sex Money Murder.
 18 Q. So is the full name of that set Sex Money Murder?
 19 A. Yes.
 20 Q. And are you saying that's a set of the Bloods?
 21 A. Yes.
 22 Q. And when you say throwing up, what does that mean?
 23 A. They are doing the hand signals of the Sex Money Murder,
 24 Blood, Sex Money.
 25 Q. You said that those individuals were also in the 200 under

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1 the defendant. What did you mean by under the defendant ?
 2 A. That was the defendant's side crew who hanged out with him
 3 on Arden and Sherman. They was associating with 200 through
 4 him.
 5 Q. How were they associated through him?
 6 A. Because if something happened to them, we would show face
 7 for them because of him. Or if something happened with us and
 8 he needed some backup, that's who he would call.
 9 Q. Who is the "he" you are referring to?
 10 A. The defendant, Banga.
 11 Q. Ms. Abrams, could you please show Government Exhibit 320,
 12 which is already in evidence.
 13 Focusing on the picture. Do you recognize the
 14 defendant in this picture?
 15 A. Yes.
 16 Q. Which one is he?
 17 A. (Indicating).
 18 Q. Please let the record reflect the witness has circled the
 19 individual in the middle of the picture.
 20 Do you recognize any other members of the 200 in this
 21 picture?
 22 A. Yes, the guys over here, the defendant's crew.
 23 Q. And can you please circle those.
 24 A. (Indicating).
 25 Q. Please let the record reflect that the witness has circled

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1 the two individuals on the right of the picture.

2 Again, what does it mean that they were part of the
3 defendant's crew?

4 A. Those are the guys who associated themselves with the
5 defendant on Arden and Sherman, they are all Sex Money, Sex
6 Money Murder.

7 Q. Were they also in the 200?

8 A. Through the defendant, yes.

9 Q. Through the defendant?

10 Ms. Abrams, we can take this exhibit down now.

11 Mr. Castillo, were the 200 involved in any disputes with
12 rival gangs?

13 A. Yes.

14 Q. In general, what were these disputes about?

15 A. Disrespect, territory, things of that nature.

16 Q. What do you mean by disrespect?

17 A. Miscommunications, arguments that we might have with a
18 member of the other rival gang and for territory, like they
19 come into our neighborhood and disrespecting, or us going into
20 their neighborhood thinking we can do whatever we want.

21 Q. Who were the 200's rivals?

22 A. At one point in time it was OED and 6-Block.

23 Q. Ms. Abrams, can you please put Government Exhibit 235 on
24 the screen.

25 This is the large map of northern Manhattan we have

1 already looked at. Let's start with OED. In general, where on
2 this map is OED's territory?

3 A. From 181 to 193.

4 Q. So you have circled the area from 181st Street to 193rd
5 Street?

6 A. Yeah. St. Nick, Audubon and Wadsworth.

7 Q. And those are streets you are saying the names of, right?

8 A. Those are avenues.

9 Q. Avenues.

10 Where on this map was 6-Block's territory?

11 A. 169 down to 160. I can't keep going down the map.

12 Q. So from 169th Street south?

13 A. Yes.

14 Q. And to 160th Street, you said?

15 A. Yes.

16 Q. And please remind us here if you could show on the map
17 where 200's territory was.

18 A. Dyckman.

19 Q. Focusing on OED for a second, who were OED?

20 A. That's Trinitario chapter.

21 Q. Did OED stand for something?

22 A. Yes.

23 Q. What did it stand for?

24 A. Owning Every Dollar. One Eight Deuce.

25 Q. So did it stand for two things potentially?

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201

1 A. Yes.

2 Q. And One Eight Deuce, what did you understand that to mean?

3 A. It's the original block, 182.

4 Q. So you said the OED's territory extended up to 193rd
5 Street. What was the relationship between the OED and 193rd
6 Street?

7 A. OED is a chapter of Trinitario. So all the guys are
8 Trinitario, so they all jack OED. But depending on the block,
9 they will say I'm 187th OED, I'm 193rd OED, I'm 191st OED.

10 Q. When you say jack, what do you mean?

11 A. Represent.

12 Q. So what was the relationship between 193 and OED?

13 A. They are Trinitarios.

14 Q. Was 193 part of OED?

15 A. Yes.

16 Q. Did you sometimes refer to OED as 193?

17 A. Yes, if it's be on that block, that territory, yes.

18 Q. And looking at the map, what is the -- what separates 193
19 from the 200s territory?

20 A. Around this section right here, it would be right here,
21 it's a hill. It's called Snake Hill. So go up to 193, you
22 have to go up the hill from Dyckman up.

23 Q. So the hill -- so from Dyckman to 193 is actually up the
24 hill?

25 A. Yes.

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1 Q. Ms. Abrams, we can take Government Exhibit 235 down now.
2 Turning from OED and 193 to 6-Block, who were 6-Block?

3 A. Another set of Trinitarios.

4 Q. And where were they based?

5 A. From 169 to 160 and Broadway.

6 Q. To your knowledge, what was the source of the dispute
7 between the 200s and 6-Block?

8 A. A member of 6-Block, which was Trinitario, he had wrote a
9 statement in state court about a murder that happened, and
10 Milton was trying to expose him and 6-Block wasn't respecting
11 what he was saying because he was still a member of 6-Block.
12 So when Milton seen him the guy from 6-Block confronted Milton
13 and Milton cut him and that started the beef.

14 Q. What was your understanding of why Milton cut the member of
15 6-Block?

16 A. Because Milton was saying he was a snitch.

17 Q. And by a snitch, what do you mean?

18 A. He had gave information to the government. He wrote a
19 statement.

20 Q. Did the 200's gang rivalries ever involve violence?

21 A. Yes.

22 Q. Were you involved in some of that violence?

23 A. Yes.

24 Q. What kind of violence?

25 A. Shootings, robberies, violent robberies.

1 Q. What kind of robberies?
 2 A. Violent robberies.
 3 Q. To your knowledge, did members of the 200 have access to
 4 guns?
 5 A. Yes.
 6 Q. How many guns?
 7 A. Numerous of guns.
 8 Q. What kind of guns?
 9 A. .380s, .38s, 9 millimeters, .40 Glocks, AR-15, AK-47.
 10 Q. You said .40 Glock, what is a Glock?
 11 A. A .40 Glock, Glock.
 12 Q. Is that a type of gun?
 13 A. Yes.
 14 Q. You said an AK-47. What type of gun is that?
 15 A. Like a machine gun.
 16 Q. You said an AR-15. What kind of gun is that?
 17 A. A machine gun.
 18 Q. By machine gun, what do you mean?
 19 A. A high-power -- high-power rifle.
 20 Q. Where did the 200s keep their guns?
 21 A. In houses on the blocks, in the garbage on the blocks, on
 22 the car tires on the blocks, inside of cars, or in a parking
 23 lot.
 24 Q. What do you mean in garbage?
 25 A. Like, we was hanging out on the street corners. If the

1 neighborhood was hot with the police, meaning the police was
 2 out, we would put it in the garbage or in the street tire -- on
 3 the car tires, so in case there are searches, it's not on a
 4 person at the moment, but it's nearby in case we need it.
 5 Q. In addition to the assaults and shootings of rivals that
 6 you mentioned, did the 200 commit any other crimes together?
 7 A. Yes, sell drugs.
 8 Q. What kind of drugs?
 9 A. Percocets, promethazine with codeine, marijuana, heroin,
 10 cocaine, and crack cocaine.
 11 Q. What involvement did you have in dealing drugs?
 12 A. I robbed drugs and I would sell them.
 13 Q. Rob them from who?
 14 A. Drug dealers and from pharmacies.
 15 Q. What kinds of drugs did you rob?
 16 A. Heroin, cocaine, marijuana, Percocets, roxies, promethazine
 17 with codeine, and opiates, anything I could sell for money.
 18 Q. How did members of the 200 work together to sell drugs?
 19 A. We gave it to -- we would just --
 20 MR. SCHNEIDER: Your Honor, I couldn't hear what he
 21 said.
 22 THE COURT: You have to move a little back, and it
 23 will become clearer to hear.
 24 THE WITNESS: Can you hear me?
 25 THE COURT: Yes. Speak loudly, but away from the

1 microphone.
 2 Try that again, sir.
 3 BY MR. HOBSON:
 4 Q. Let me ask the question again just so we are on the same
 5 page, Mr. Castillo.
 6 How did members of the gang work together to sell
 7 drugs?
 8 A. We distributed drugs amongst each other to keep the money
 9 flowing in the organization.
 10 Q. When you say to keep the money flowing, what did the 200s
 11 do with the proceeds from the drugs they sold?
 12 A. Well, usually we would spend it on things that we like or
 13 we will help put money to the side for if somebody got -- in
 14 the organization got locked up, needed bail money or commissary
 15 money.
 16 Q. I'm going to ask you just to lean just a little closer to
 17 the microphone.
 18 Commissary money, what do you mean by that?
 19 A. If somebody, a member of the gang was incarcerated, we used
 20 the money to help fund them for commissary so they could eat
 21 good in jail and lawyer fees or potential bail money.
 22 Q. What else would you do with the drug money?
 23 A. We will by guns, if needed, or buy more drugs to keep the
 24 money coming.
 25 Q. Did members of the 200s work in shifts as they sold drugs?

1 A. Yes.
 2 Q. Did members of the 200 refer customers to one another ?
 3 A. Yes.
 4 Q. Where did the 200s sell drugs?
 5 A. All over the neighborhood, but usually on the headquarters ,
 6 Academy and Nagle, Arden and Sherman, Sickles and Sherman.
 7 Q. Did the 200s have guns while they were selling drugs?
 8 A. Yes.
 9 Q. Why did the 200s have guns while they were selling drugs?
 10 A. To protect drugs or just in case any rival gang members
 11 showed up.
 12 (Continued on next page)
 13
 14
 15
 16
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 24
 25

1 BY MR. HOBSON:
2 Q. In distributing drugs, did members of the 200 ever engage
3 in a practice called breaking?
4 A. Yes.
5 Q. What is breaking?
6 A. Selling fake drugs.
7 Q. Did you engage in breaking?
8 A. Yes.
9 Q. Approximately how many times?
10 A. Numerous of occasions.
11 Q. Numerous occasions?
12 A. Numerous of occasions.
13 Q. Who would you sell these fake drugs to?
14 A. To customers, people that were acting like, who acquired
15 big party amount of drugs, and when they come by, we give them
16 fake drugs or if they have, if they selling drugs, give them
17 the fake money or singles or newspaper.
18 Q. So were there times when you bought drugs from them using
19 fake money?
20 A. Yes.
21 Q. And other times when you sold them fake drugs?
22 A. Yes.
23 Q. In exchange for real money?
24 A. Yes.
25 Q. When you purchased drugs from them using fake money, what

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1 Q. What happened in that particular robbery?
2 A. The guy wouldn't give up the chain, so we fired two shots
3 into the air to tell him we wasn't playing. He still wouldn't
4 give up the chain, so we fired one shot next to his foot. He
5 then gave up the chain. We jumped in a vehicle to get away,
6 and he chased us. We started firing out the vehicle as he was
7 chasing us.
8 Q. Who is the we?
9 A. Me and one of the members of 200.
10 Q. What member of the 200?
11 A. BY.
12 Q. What happened to the gun in that shooting?
13 A. After the shooting, we told Peter Lopez to pick us up from
14 the (inaudible). We jumped out the car. After the shooting,
15 the cops started chasing us. So we jumped out the car and we
16 told Peter Lopez to pick us up from where we was hiding at.
17 THE COURT: You told Peter Lopez to hide it?
18 THE WITNESS: To pick us up from where we was hiding
19 at, and we took the gun to my house. And later on that night,
20 when me and BY left my house, left the gun at my house. And my
21 little cousin gave the gun over to the defendant.
22 BY MR. HOBSON:
23 Q. Gave the gun to the defendant?
24 A. Yes, so he could take it back to Dyckman.
25 Q. So he could what?

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1 did you do with those drugs?
2 A. Sell the drugs forward for real money.
3 Q. Approximately how much money did you make from breaking?
4 A. Well over a hundred thousand.
5 Q. You mentioned earlier that the 200s committed robberies.
6 Did you yourself participate in robberies with members of the
7 200?
8 A. Yes.
9 Q. Approximately how many robberies did you participate in
10 with the 200?
11 A. Probably like 20.
12 Q. We're going to talk about some of these specific robberies
13 later, but in general, who did the 200s rob?
14 A. We target drug dealers, scammers, people that we know have
15 large sums of cash or like to walk around with a lot of jewelry
16 on.
17 Q. Let's take those one at a time, starting with the scammers.
18 What do you mean by scammer?
19 A. People that commit fraud, credit card fraud, checks fraud
20 Q. Talking about individuals?
21 A. Yes.
22 Q. How did you rob them?
23 A. Gunpoint.
24 Q. Did you ever fire a gun at these individuals?
25 A. In one particular robbery, yes.

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209 M53Wpab5 R. Castillo - Direct

1 A. Take it back to Dyckman, take it back to Dyckman, our
2 neighborhood.
3 Q. Going back to the other robberies you committed of
4 individuals, did you ever use force?
5 A. Yes.
6 Q. What kind of force?
7 A. Home invasions.
8 Q. I'm going to get to the home invasions in a second. I'm
9 talking about the individuals you robbed on the street right
10 now.
11 A. Yes.
12 Q. Did you ever use force other than the time you fired a gun?
13 A. Yes, pistol-whipped people.
14 Q. Mr. Castillo, please just be careful not to get too close
15 to the microphone but also not to get too far away from the
16 microphone. OK?
17 The individuals you robbed, what kind of force did you use
18 on some of those robberies?
19 A. I would beat them or I would pistol-whip them with a gun.
20 Q. And when you say pistol-whip them with a gun, what do you
21 mean?
22 A. I will hit them with a gun handle.
23 Q. You said that you robbed drug dealers. What kinds of drug
24 dealers did you rob with the 200s?
25 A. Drug dealers that we knew hold large amount of drugs in

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1 their household.
2 Q. So when you committed these robberies, did you rob the drug
3 dealers in their houses?
4 A. Yes, we would commit them as home invasions.
5 Q. As what?
6 A. Home invasions.
7 Q. Did you use force in these robberies?
8 A. Majority of them.
9 Q. How?
10 A. We'll break in by force, and I will torture them if they
11 don't want to speak where the drugs is at.
12 Q. When you say torture them, what do you mean ?
13 A. Put a hot iron to their body. I would suffocate them with
14 water -- drown them with water or suffocate them with a pillow
15 until they speak of where the guns and drugs was at.
16 Q. What was the purpose of doing this?
17 A. So they would fear for their life and to tell us where,
18 what we was there looking for was at.
19 Q. And to be clear, these are robberies that you did as part
20 of the 200s?
21 A. Yes.
22 Q. Did you do these robberies with other members of the 200s?
23 A. With other members that are not 200?
24 THE COURT: No. Did you do these robberies with other
25 members of the 200?

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1 THE WITNESS: A couple of them, yeah.
2 BY MR. HOBSON:
3 Q. Do you use guns at any of these home invasion robberies?
4 A. Yes.
5 Q. You said you robbed pharmacies. I believe you said that.
6 Am I correct?
7 A. Pharmacies, cashiers, supermarkets, liquor stores, clubs,
8 and restaurants.
9 Q. So how did you rob those businesses?
10 A. I broke into them at night when there was nobody in the
11 establishment so they was commercial burglaries.
12 Q. Was anyone ever there when you robbed those places?
13 A. No.
14 Q. Did you use force in those robberies?
15 A. No.
16 Q. Approximately how much did you make total from robberies ?
17 A. Well over a hundred thousand.
18 Q. I want to turn now and focus more on the defendant.
19 How long have you known the defendant?
20 A. Over 15 years.
21 Q. When did you meet him?
22 A. We was young, in the neighborhood.
23 Q. Where in the neighborhood?
24 A. Around Thayer-Sherman, Arden-Sherman, that area.
25 Q. As one of the leaders of the 200, did you know what roles

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1 other gang members played?
2 A. Yes.
3 Q. What was the defendant's role in the gang?
4 A. He was a shooter.
5 Q. What did it mean to be a shooter for the gang?
6 A. If something happened and we needed somebody shot, we
7 relied upon him.
8 Q. You would what?
9 A. Rely upon him.
10 Q. Why would you rely upon him?
11 A. He wasn't scared to shoot his gun.
12 Q. Did the shooters in the gang have access to guns?
13 A. Yes.
14 Q. Was it important for members of the gang to know who the
15 shooters were?
16 A. Yes.
17 Q. Why?
18 A. Show them their respect and just in case you needed them.
19 Q. Needed them for what?
20 A. To shoot somebody, shoot at someone.
21 THE COURT: Was there more than one shooter in the
22 200?
23 THE WITNESS: Yes.
24 MR. HOBSON: You actually anticipated my next
25 question, your Honor.

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1 Q. Who else in the gang, if anyone, held the role of a
2 shooter?
3 A. BY and some other kid, like a brother 200, because he was a
4 cooperator in the state, on a murder charge.
5 MR. HOBSON: Ms. Abrams, if you could please show the
6 witness, the parties, and the Court what's been marked as
7 Government Exhibit 504.
8 Q. Mr. Castillo, do you recognize the person in this
9 photograph?
10 A. That's BY.
11 Q. That's BY?
12 A. Yes.
13 MR. HOBSON: Your Honor, we offer exhibit 504 into
14 evidence.
15 MS. MACEDONIO: No objection.
16 THE COURT: Admitted.
17 (Government Exhibit 504 received in evidence)
18 MR. HOBSON: Ms. Abrams, please publish for the jury.
19 Q. Mr. Castillo, can you please tell the jury who is this
20 person?
21 THE COURT: He just did. He said BY.
22 MR. HOBSON: Thank you, your Honor.
23 Q. You mentioned earlier that you did a shooting robbery with
24 BY. Is this the BY you were referring to?
25 A. Yes.

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1 MR. HOBSON: We can take that down now, Ms. Abrams.
 2 Q. Mr. Castillo, did you ever see the defendant with a gun?
 3 A. Yes.
 4 Q. On how many occasions?
 5 A. Numerous of occasions.
 6 Q. Numerous?
 7 A. Yes.
 8 Q. What kind of gun?
 9 A. Nine -- nine millimeter, .38 and a .380.
 10 Q. And a three eight?
 11 THE COURT: A .380.
 12 A. .380.
 13 Q. .380. Thank you.
 14 To your knowledge, where did the defendant keep his guns ?
 15 A. He always had it on his personal or one of his friend's
 16 house.
 17 Q. On his personal, do you mean on his person?
 18 A. Yeah, have it with him.
 19 Q. You said the defendant's nickname was Banga. What is your
 20 understanding of why he was called Banga?
 21 A. He likes to play with guns. He likes to bang.
 22 Q. You said you've known him since you were both children.
 23 Was he called Banga as a child?
 24 A. No. He was called Chris.
 25 Q. When did you first hear him called Banga?

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1 A. When I came home from the state in 2016.
 2 Q. As a member of the 200, did you ever get a gun from the
 3 defendant?
 4 A. Yes.
 5 Q. Did you ever see the defendant give guns to other members
 6 of the 200?
 7 A. Yes.
 8 Q. Did you ever attempt a robbery with the defendant?
 9 A. Yes.
 10 Q. Did you ever participate in assaults with the defendant ?
 11 A. Yes.
 12 Q. I want to talk about some of those incidents in more detail
 13 in just a minute, but first I want to ask you about the
 14 defendant's memberships in any other gangs.
 15 You testified earlier that members of the 200 were often
 16 members of other gangs as well, correct?
 17 A. Yes.
 18 Q. To your knowledge, was the defendant also a member of
 19 another gang?
 20 A. Yes.
 21 Q. What gang?
 22 A. He was Blood, Sex Money Murder.
 23 Q. You testified earlier that you were in the Mac Ballas. Is
 24 that also a set of the Bloods?
 25 A. Yes.

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1 Q. What is the relationship between the Mac Ballas and Sex
 2 Money Murder?
 3 A. Blood because all Bloods spoke with different sets.
 4 Q. You testified earlier that a 200's loyalty was supposed to
 5 be to the 200 over their other gang. To your knowledge, was
 6 there ever a time where the defendant's loyalty to 200 was
 7 tested by Sex Money Murder?
 8 A. Yes.
 9 Q. What happened?
 10 A. Some drugs were stolen in the house where the defendant and
 11 his friends hang out at, and they accused a family member of
 12 mine's and another member of 200.
 13 Q. Who accused a family member of yours?
 14 A. The defendant's big homey, Murder.
 15 Q. The defendant's big homey was named Murder, is that
 16 correct?
 17 A. Yes.
 18 Q. What is a big homey?
 19 A. The guy initiating him to Bloods, Sex Money Murder.
 20 Q. OK. And what happened after you were accused -- your
 21 family member was accused? I'm sorry.
 22 A. They had put hands on one of them, so I had came to speak
 23 upon what happened.
 24 Q. You came to who to speak upon what happened?
 25 A. I came on behalf of a 200 member and on my cousin to speak

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1 about what happened, why they put hands on them, because I
 2 wasn't sure who took the drugs. And the defendant pulled out a
 3 gun on me, and I told --
 4 Q. What -- I'm sorry. The defendant pulled out a gun on you ?
 5 A. Yes.
 6 Q. Why?
 7 A. Because Murder told him.
 8 Q. Was Murder there?
 9 A. Yes.
 10 Q. Do you remember what kind of gun?
 11 A. It was a .380.
 12 Q. So what happened after the defendant pulled out, pulled a
 13 gun on you?
 14 A. He pulled the gun on me, and I told him think about what
 15 you going to do because you 200 at the end of the day, so you
 16 have position. And BY got in between us and told me he was
 17 bugging while Murder was telling him to shoot me, and --
 18 Q. I'm sorry. Murder was telling who to shoot you?
 19 A. Murder was telling the defendant bust that shit, meaning to
 20 shoot.
 21 Q. OK. And did the defendant shoot you?
 22 A. No. He put the gun down and told Murder he couldn't do it.
 23 Q. What was Murder's reaction?
 24 A. He wanted to take the gun from him, but the defendant
 25 wouldn't give it to him.

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1 Q. Did you ever talk to the defendant about this afterwards?
 2 A. Yeah, couple days later.
 3 Q. What did the defendant say?
 4 A. He apologized to me and told me that (inaudible) he's 200
 5 before anything?
 6 Q. He's 200, what?
 7 A. He's 200 before anything, and I told him that yes, because
 8 those guys not even from the neighborhood. The Sex Money guys
 9 only in the neighborhood because of him.
 10 Q. When did that happen?
 11 A. Summer of 2017.
 12 MR. HOBSON: Ms. Abrams, could you please show what's
 13 already in evidence as Government Exhibit 324.
 14 Q. Who, if anyone, from Sex Money Murder do you recognize in
 15 this photograph?
 16 A. (Witness drew circles)
 17 Q. So, thank you.
 18 The individual crouching, who you've circled on the left,
 19 wearing black, who is that?
 20 A. That's Murder, the defendant's big homey.
 21 Q. And to the right of Murder, who is that individual who you
 22 circled?
 23 A. The defendant, Christian Pabon.
 24 Q. And you've also circled the man on the far right. Who is
 25 that?

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1 A. He's a member of Sex Money Murder and an associate of 200
 2 through the defendant.
 3 Q. Mr. Castillo, who are some of the 200s you recognize in
 4 this picture?
 5 A. (Witness drew circles)
 6 Q. Who is that individual you've circled who is standing next
 7 to the defendant?
 8 A. That's Mapes.
 9 Q. Do you recognize where this picture is taken?
 10 A. In front of a church, on Arden and Sherman, Our Lady Queen
 11 of Martyrs.
 12 Q. Is that what you consider to be on 200 territory?
 13 A. Yeah, it's in the, in the area.
 14 MR. HOBSON: Ms. Abrams, we can take that down now.
 15 Q. I'm going to turn now to a different topic.
 16 Mr. Castillo, did there come a time when you learned that
 17 someone in the 200 had committed a murder?
 18 A. Yes.
 19 Q. Approximately when did you learn that?
 20 A. Towards the ending of 2014. I had just came out the box.
 21 Q. The box? What do you mean by the box?
 22 A. I was upstate serving a box sentence of a year, and I just
 23 got out the box, and I spoke to Milton Chardon, and he --
 24 Q. Let's stop there, because I want to make sure I understand
 25 what the box is. Could you please explain to the jury what it

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1 means to serve a box sentence?
 2 A. So, when you don't behave when you're incarcerated in
 3 prison, then they put you in isolation.
 4 Q. So you previously testified that you were in jail in 2012
 5 when you helped found the 200. Had you left the jail since
 6 2012?
 7 A. No. I was still serving a sentence for my kidnapping
 8 charge.
 9 Q. When did you come home from serving that sentence?
 10 A. 2016.
 11 Q. To your knowledge, was Milton still in jail?
 12 A. He came home 2014.
 13 Q. In 2014, did you communicate with Milton about gang
 14 business while he was on the streets and you were in jail?
 15 A. Yes, through the phone.
 16 Q. What was the purpose of these communications?
 17 A. To keep me informed what was going on in the streets and to
 18 let me know the success of the gang.
 19 Q. The success of the gang?
 20 A. Yes.
 21 Q. While you were in jail, what, if anything, did Milton
 22 report about the status of the 200's rivalries with other
 23 gangs?
 24 A. Said he was being with OED, and he had got jumped, but he
 25 went back and evened the score out.

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1 Q. When you say OED, did he say whether it was a specific
 2 block of OED?
 3 A. Yes. He said 193rd.
 4 Q. 193rd?
 5 A. Yes.
 6 Q. And when he said even the score out, what did you
 7 understand that to mean?
 8 A. Meaning they went back and got some get-back. And then I
 9 started asking him more questions, and he wouldn't go into
 10 further explanation, said it was serious and that he was laying
 11 low. So I knew something serious had occurred.
 12 Q. Why did that indicate to you that something serious had
 13 occurred?
 14 A. Because he usually goes into details when we speaking on
 15 the phone, and that day he wasn't going into further details.
 16 He sounded panicked and he told me he was going into laying
 17 low. So I knew something out of the ordinary had happened.
 18 Q. You said that you were released from jail in 2016. Who
 19 picked you up?
 20 A. Milton picked me up.
 21 Q. During the drive home, what, if anything, did you and
 22 Milton discuss?
 23 A. Everything that was going on in the neighborhood with 200
 24 and about the murder that happened. He told me that it
 25 happened that day.

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1 Q. So what did he tell you about what happened that day?
 2 A. He said he was beefing with some guys from OED , and they
 3 would be jumping him right there on 193rd up the hill.
 4 Q. You said up the hill?
 5 A. Yes.
 6 Q. Had jumped who?
 7 A. Milton.
 8 Q. OK. And what did Milton tell you happen ed next?
 9 A. He said Ito and Banga went over there and did a shooting,
 10 and a innocent guy got killed by mistake that day.
 11 Q. Did he say where they went to do the shooting?
 12 A. He just told me up the hill in the 193rd area.
 13 Q. What did Milton tell you happened after the shooting?
 14 A. Well, he said he had gone low. Ito had gave himself in
 15 because they had caught his father's minivan license plate
 16 number.
 17 Q. Did he say what happened after Ito turned himself in?
 18 A. Not really.
 19 Q. How did that affect Ito's reputation in the gang ?
 20 A. After it was clear that Ito was not going to cooperate and
 21 he was going to take his time for the gang, Milton went on
 22 social media and clarified him a big 200.
 23 Q. Milton did what? I'm sorry.
 24 A. Milton went on social media and clarified him as a big 200.
 25 Q. On social media?

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1 A. Yes.
 2 Q. Why did Ito become a big 200?
 3 A. For his loyalty.
 4 Q. And how did he show his loyalty?
 5 A. By not cooperating in giving up his accomplice in the
 6 murder.
 7 MR. HOBSON: Ms. Abrams, if you could put up
 8 Government Exhibit 203, which is already in evidence.
 9 Q. Mr. Castillo, turning again to the photograph of Milton's
 10 tattoos, we looked earlier at the tattoo that said Ito Gang.
 11 MR. HOBSON: Ms. Abrams, could you highlight that
 12 tattoo for us.
 13 Q. What is your understanding of what this tattoo refers to?
 14 A. There's a guy standing behind bars, the hands -- the
 15 handcuffs with the bars. And it says Ito gang, and it's Milton
 16 showing loyalty back to Ito.
 17 MR. HOBSON: Ms. Abrams, if you could show to the
 18 witness, the parties, and the Court but not the jury what's
 19 been marked as Government Exhibit 502.
 20 Q. Mr. Castillo, do you recognize the individual in that
 21 photograph?
 22 A. Yes.
 23 Q. Who is that?
 24 A. Ito.
 25 MR. HOBSON: Your Honor, we move Government Exhibit

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1 502 into evidence.
 2 MS. MACEDONIO: I have no objection, your Honor.
 3 THE COURT: Admitted.
 4 (Government Exhibit 502 received in evidence)
 5 MR. HOBSON: May we publish?
 6 THE COURT: Yes.
 7 MR. HOBSON: Ms. Abrams, you can take it down now.
 8 Q. At some point after you got home from jail, did you see the
 9 defendant himself?
 10 A. Yeah, I seen him later on, when he came home from --
 11 Q. Just answer my question. Did you see the defendant ?
 12 A. Yes.
 13 Q. What, if anything, did you say to the defendant about Ito?
 14 A. Say Ito was holding it down.
 15 Q. What did you understand holding -- what did you mean by
 16 holding it down?
 17 A. Meaning Ito was not giving him up.
 18 Q. And what, if anything, did the defendant say in response to
 19 that?
 20 A. He say yeah, I know, but we ain't going to talk about that.
 21 Q. During this conversation, what did the defendant's hair
 22 look like?
 23 A. During the conversation he had short hair, but he had
 24 showed me a video where he had dreads.
 25 Q. Did he show you a video that day where he had dreads ?

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1 A. Yes.
 2 Q. Had you seen him in dreads before?
 3 A. No.
 4 Q. What was the video of that he showed you?
 5 A. Of him pistol-whipping somebody.
 6 Q. Did he say who he was pistol-whipping?
 7 A. A guy that had disrespected a female that was associated
 8 with 200.
 9 Q. A female that was what?
 10 A. Associated with 200.
 11 Q. How many times did he pistol-whip that individual?
 12 A. In the video it looks like he pistol-whipped the guy ten
 13 times.
 14 THE COURT: What did the disrespect consist of, if you
 15 know?
 16 THE WITNESS: I don't know.
 17 THE COURT: All right.
 18 BY MR. HOBSON:
 19 Q. What did the defendant's hair look like in the video ?
 20 A. He had dreads.
 21 Q. Did the defendant say why he had cut his dreads?
 22 A. Yes.
 23 Q. What did he say?
 24 A. Said because he ain't, wasn't actually sure of what the,
 25 the description was so he just cut the dreads, just in case .

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1 Q. The description of what?
 2 A. Of what occurred on that day in 2014.
 3 Q. What do you mean by that day?
 4 A. When they caught the murder.
 5 Q. Let me turn back to Ito.
 6 Did there come a time when you learned that Ito pled guilty
 7 to the murder?
 8 A. Yes.
 9 Q. Do you know when that was?
 10 A. Summer 2017 sometime.
 11 Q. Prior to Ito pleading guilty, what, if anything, did the
 12 defendant do?
 13 A. He disappeared from the neighborhood.
 14 Q. When did the defendant return to the neighborhood?
 15 A. When it was well-known, established that Ito had copped out
 16 to 17 years.
 17 Q. Did the defendant ever tell you why he left town?
 18 A. Yes.
 19 Q. What did he say?
 20 A. He wasn't sure of what Ito decision was going to be because
 21 there was rumors that Ito was going to go to trial. So he
 22 wanted to lay low to not have his name in people's mouths and
 23 not give anybody no ideas.
 24 Q. No ideas about what?
 25 A. I guess giving him up.

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1 Q. After Ito pled guilty, did you have any other conversations
 2 with the defendant about the murder?
 3 A. Yes.
 4 Q. What did the defendant say about the murder?
 5 A. I told him Ito kept it real and didn't give him up, and Ito
 6 took time for him and for the gang.
 7 Q. And what did the defendant say?
 8 A. He say: Yeah, I know. That's crazy. I feel kind of bad,
 9 but it is what it is.
 10 Q. Did the defendant provide any more details about what
 11 happened at the murder?
 12 A. He said that he felt kind of bad for Ito because it wasn't
 13 Ito's bullet that initially killed the guy, that it was his.
 14 Q. His meaning the defendant's?
 15 A. Yes.
 16 Q. Did the defendant say who they were shooting at?
 17 A. Said they were shooting at some OED guys and that guy
 18 happened to get hit.
 19 Q. Who do you mean by that guy?
 20 A. The older guy, they killed by mistake that day.
 21 Q. Did the defendant say that they both shot or that only one
 22 shot?
 23 A. He said they were both shooting.
 24 Q. Did anyone else in the 200 ever tell you about the murder?
 25 A. Yes.

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1 Q. Who?
 2 A. My cousin, Brian Castillo; Necio; Mapes; and Moe.
 3 Q. How did those individuals tell you that they knew about the
 4 murder?
 5 A. They said they went along just to watch and that they stood
 6 a block down seeing what was going to happen.
 7 Q. Did they tell you that they did, in fact, see what
 8 happened?
 9 MS. MACEDONIO: Objection. May I have a moment with
 10 counsel for the government?
 11 THE COURT: Yes.
 12 MS. MACEDONIO: Your Honor, may we approach?
 13 THE COURT: Reluctantly, yes.
 14 (Continued on next page)

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1 (At sidebar)
 2 MS. MACEDONIO: Your Honor, to begin with, a lot of
 3 this witness's testimony is wildly different and expanding upon
 4 what's in the 3500 material, but I haven't said anything until
 5 the government now, inquiring from him as to four people who
 6 told him about a murder after it happened. In its motions *in*
 7 *limine*, the government only raised two of those people. I
 8 believe it was Moe and Brian Castillo. They're now adding
 9 Necio and Mapes. That has not been litigated. It's not
 10 something that's in the 3500 material. It's not something I'm
 11 prepared to cross on, and I think they should be precluded from
 12 eliciting it from this witness.
 13 MR. HOBSON: Yes, your Honor.
 14 It is in the 3500 material. It's in our most recent
 15 proffers of the defendant, and it is reflected in the 3500
 16 notes. We'll note that we did not originally identify those
 17 two state -- persons' statements in our motion *in limine*
 18 because we had not yet appreciated that those two individuals
 19 had made these statements. However, he has testified that they
 20 were members of the gang, members of the 200, and part of the
 21 conspiracy. Therefore, the very same logic that was the basis
 22 of the Court's ruling --
 23 THE COURT: 801(d)(2)(E) is what controls.
 24 MR. HOBSON: Correct, your Honor, for the very same
 25 reasons.

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1 THE COURT: He says it's in the material. You can
2 check it. If it's a real issue now, although I hate to take
3 the time, show her, if you know where that is in the 3500.
4 That is, if you're still doubting that.
5 MS. MACEDONIO: I'd like to see it. The 3500 in this
6 case has been, let's just say extremely voluminous.
7 THE COURT: Well, you've got three cooperators, and
8 apparently he has a lot to say. I assume the others do as
9 well.
10 MS. MACEDONIO: Yes.
11 THE COURT: Show her the 3500.
12 MR. HOBSON: If you could give us just a moment, your
13 Honor?
14 THE COURT: Yes, of course.
15 MS. MACEDONIO: Thank you, Judge.
16 (In open court)
17 THE COURT: Ladies and gentlemen, why don't you take a
18 break. Let's refresh ourselves. Ten minutes. You've been at
19 it for an hour and a half. I apologize. Ms. Blakely reminded
20 me how long it's been.
21 (Jury not present)
22 (At sidebar)
23 MS. MACEDONIO: I have been handed by the government
24 Government Exhibit 3503-121, which are proffer notes from
25 Raymond Castillo, dated April 20, 2022. It appears in these

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1 notes that Mr. Castillo communicated to the government that
2 individuals known as Mapes, True, Necio, and Moe went and
3 watched the shooting. To my knowledge, and based upon the
4 government's motion *in limine*, which was filed on April 11,
5 this is the first time that Mr. Castillo, in his years of
6 proffering, has mentioned this, at least with respect to Necio
7 and Moe.
8 Correct?
9 MR. HOBSON: The only thing I will say is that I was
10 not the AUSA who did those prior proffers. I am the AUSA who
11 wrote that motion, so my writing the motion was based on my
12 limited review of the 3500 at that time.
13 THE COURT: I'm not sure. You've told me what it
14 shows. Go ahead.
15 MS. MACEDONIO: OK. I think that it rightfully comes
16 in under 801. However --
17 THE COURT: 801(d)(2)(E), in furtherance of the
18 conspiracy, part and parcel of the conspiracy.
19 MS. MACEDONIO: Yes.
20 THE COURT: In furtherance and in the course of the
21 conspiracy. I'm sorry.
22 Go ahead.
23 MS. MACEDONIO: I intend to elicit from the witness
24 that at least with respect to those two individuals, that this
25 was the first time that he advised the government of this.

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1 THE COURT: All right. I have no problem with that.
2 MS. MACEDONIO: And if he --
3 THE COURT: I mean assuming that's his testimony.
4 MS. MACEDONIO: OK.
5 And I'd like to get some clarification from the
6 government as to if that, in fact, is the case. I understand
7 you were not the AUSA who indicted this case. You are,
8 however, the AUSA who is in charge of this case.
9 THE COURT: What's your question?
10 MS. MACEDONIO: I want to know if that's the
11 government's understanding.
12 MR. HOBSON: Your Honor, I think we can potentially
13 make representations about what's in the proffer notes. I
14 don't know that anyone can conclusively say whether or not he
15 said these names or not before.
16 THE COURT: I understand.
17 MS. MACEDONIO: All right. I'll ask him.
18 THE COURT: And so does Ms. Macedonio.
19 MS. MACEDONIO: I will ask him, your Honor. Thank
20 you.
21 THE COURT: Let's bring the jury in.
22 We'll end at quarter to five. How much more longer do
23 you have here?
24 MR. HOBSON: I have probably half an hour, because
25 I've been going for an hour and a half. I would estimate half

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1 an hour.
2 THE COURT: All right. We'll get into cross.
3 MS. MACEDONIO: May I quickly use the bathroom?
4 THE COURT: Yes, go ahead, all counsel, quickly.
5 (Recess)
6 (Continued on next page)

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1 (Jury present)
2 THE COURT: Please be seated in the courtroom.
3 You may continue with your examination, Mr. Hobson.
4 MR. HOBSON: Thank you, your Honor.
5 Q. Mr. Castillo, prior to the break, I asked you if anyone
6 else in the 200 ever told you about the murder, and you told me
7 the names Brian Castillo, Moe, Necio, and Mapes. Is that
8 correct?
9 A. Yes.
10 Q. I want to talk about what each of those individuals told
11 you one at a time. OK?
12 A. Yes.
13 Q. I want to begin with Brian Castillo. To your knowledge,
14 did Brian Castillo go by any other names?
15 A. Yes.
16 Q. What name?
17 A. True.
18 Q. True?
19 A. Yes.
20 MR. HOBSON: Ms. Abrams, could you please show the
21 witness, the parties, and the Court what's been marked as
22 Government Exhibit 505.
23 Q. Do you recognize the individual in that photograph?
24 A. Yes. Brian Castillo, True.
25 MR. HOBSON: Your Honor, we move to introduce 505 into

1 evidence.
2 MS. MACEDONIO: I have no objection, your Honor.
3 THE COURT: Admitted.
4 (Government Exhibit 505 received in evidence)
5 MR. HOBSON: Please publish to the jury, Ms. Abrams.
6 Q. Mr. Castillo, what did True tell you about the murder?
7 A. We was in a -- well, me and True live together, so we was
8 just in the house kicking the breeze and talking, and we got to
9 talking about that day and he didn't get into too much
10 description. He just told me Banga was the one that caught the
11 body that day and Ito was locked up for it. And he was just
12 talking, things like that, he felt bad for Ito and things like
13 that.
14 THE COURT: Did you say Banga was the one that caught
15 the body that day? Is that what you said?
16 THE WITNESS: Yes.
17 THE COURT: What does that mean, sir?
18 THE WITNESS: Means that Banga's the one that
19 initially killed the guy.
20 BY MR. HOBSON:
21 Q. Did True tell you what his knowledge was based on?
22 A. Well, what True told me was that -- I asked him how he knew
23 that. And he said we was there. I said what you mean you was
24 there? And he said we knew that they was about to pull up, so
25 we walked over there. And I said you were there when it

1 happened? He's, like, I was watching from nearby.
2 Q. Did you say that True said they were about to put up?
3 A. Pull up, meaning they was about to go.
4 Q. Pull up?
5 A. Yes.
6 Q. And that means what?
7 A. That means, like, street terminology, like they were about
8 to go.
9 Q. To go what?
10 A. To 193rd.
11 MR. HOBSON: Ms. Abrams, if you could please show the
12 witness, the Court, and the parties what's been marked as
13 Government Exhibit 511.
14 Q. Do you recognize the individual in that photograph?
15 A. Yes.
16 Q. Who is that?
17 A. That's Moe.
18 MR. HOBSON: Your Honor, we move Government Exhibit
19 511 into evidence.
20 MS. MACEDONIO: No objection.
21 THE COURT: Admitted.
22 (Government Exhibit 511 received in evidence)
23 MR. HOBSON: Ms. Abrams, could you please publish to
24 the jury.
25 Q. Mr. Castillo, what did Moe tell you about the murder?

1 A. I went to Moe's house in PA to visit him.
2 Q. I'm sorry. His house in where?
3 A. In Pennsylvania.
4 Q. OK.
5 A. To visit him.
6 Q. And what did Moe tell you?
7 A. He was talking about Ito, saying that how he felt bad
8 because Ito was incarcerated for a murder that, yeah, he went
9 to do the shooting, but he didn't actually commit. And I was,
10 like, who you think did it? And he said Banga did it. And I
11 said how you know? He said he also seen what occurred that
12 day. I'm, like, I said don't tell that to anybody else. And
13 that's about it.
14 Q. You said don't tell that to anybody else?
15 A. Yeah. I told him -- it was me, him, and his mother and his
16 sister in his house.
17 Q. What did you understand him to mean when he said that --
18 MR. HOBSON: I'm sorry. Let me look at your
19 testimony. One second.
20 Q. When he told you Ito didn't actually commit the murder,
21 what did he say he meant by that?
22 A. I mean Ito's bullet is not who killed the guy.
23 Q. Did he say whether or not he saw Ito do the shooting?
24 A. He said, yeah, he saw Ito shoot.
25 Q. And did he say whether or not he saw the defendant do the

1 shooting?
 2 A. Yeah, he said he seen the defendant also.
 3 Q. He saw the defendant shoot also?
 4 A. That's what he told me.
 5 MR. HOBSON: Ms. Abrams, if you could please show the
 6 witness, the Court, and the parties what's been marked as
 7 Government Exhibit 503.
 8 Q. Mr. Castillo, do you recognize that individual?
 9 A. Yeah, that's Necio.
 10 Q. Necio?
 11 A. Yes.
 12 MR. HOBSON: Your Honor, we move Government Exhibit
 13 503 into evidence.
 14 MS. MACEDONIO: No objection.
 15 THE COURT: Admitted.
 16 (Government Exhibit 503 received in evidence)
 17 MR. HOBSON: Ms. Abrams, please publish.
 18 Q. Mr. Castillo, what did Necio tell you about the murder?
 19 A. Necio told me Banga was lucky because he wasn't arrested
 20 for the body.
 21 Q. Did Necio tell you whether or not he was present at the
 22 murder?
 23 A. That's what he told me.
 24 Q. Did he say what he saw?
 25 A. Said he saw the defendant and Ito shooting.

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1 MR. HOBSON: Now, Ms. Abrams, if you could please show
 2 Government Exhibit 324, which is already in evidence, so we can
 3 show it to the jury as well.
 4 Q. Mr. Castillo, you had previously identified an individual
 5 in this photograph as Mapes. Can you please draw a circle
 6 around the individual you identified as Mapes.
 7 A. (Witness drew a circle)
 8 MR. HOBSON: Please let the record reflect that the
 9 witness has identified the man in the purple shirt in the
 10 middle of the picture.
 11 Q. Mr. Castillo, you said that Mapes told you about the
 12 murder. What did Mapes tell you?
 13 A. Mapes was angry at the defendant one time, and he was
 14 saying that the defendant was not doing the right thing for Ito
 15 because Ito was locked up and not telling on him and that the
 16 defendant was not helping the way, sending Ito commissary money
 17 or helping with his lawyer or anything in that nature.
 18 Q. And did Mapes tell you what happened in the murder?
 19 A. He said that the defendant and Ito did the shooting.
 20 Q. Did Mapes tell you how he knew that?
 21 A. He also told me that he witnessed it.
 22 MR. HOBSON: Ms. Abrams, we can take that down now.
 23 Q. How did the murder affect Ito's reputation in the 200?
 24 A. He became a big 200 because he didn't cooperate.
 25 Q. How did the murder affect the defendant's reputation in the

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M53Wpab5 R. Castillo - Direct

1 200?
 2 A. He was a big 200 because he wasn't scared to take a life.
 3 Q. Because he wasn't scared to take a life?
 4 A. Yes.
 5 Q. I want to turn away from the murder now and talk about some
 6 of the violence that you yourself participated in with the
 7 defendant.
 8 You testified that you and other members of the 200
 9 committed robberies together. Did you and the defendant ever
 10 work together to try to rob someone?
 11 A. Yes, we attempted two robberies that was not successful.
 12 Q. Two robberies?
 13 A. Yes.
 14 Q. When was the first one?
 15 A. Maybe sometime, like, between November to January. I'm not
 16 sure of the month.
 17 Q. Of what year?
 18 A. Either 2016 to the beginning of 2017.
 19 Q. Who was involved in that attempted robbery?
 20 A. Peter Lopez; a/k P-Mula; myself; my girlfriend at the time;
 21 and the defendant, Banga.
 22 Q. What was your girlfriend at the time's name?
 23 A. Shorty Prestige.
 24 Q. Shorty Prestige?
 25 A. Yes.

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1 Q. You mentioned P-Mula. Who was P-Mula?
 2 A. Associate of 200s.
 3 Q. What do you mean by an associate of the 200s?
 4 A. Not an actual member of the 200, but he hangs out with us
 5 every day so if he got any problems, we will back him up or
 6 defend him.
 7 Q. What do you mean by back him up?
 8 A. Meaning we will defend him. We will come to his aid.
 9 MR. HOBSON: Ms. Abrams, if you could please show the
 10 witness, the Court, and the parties what's been marked as
 11 Government Exhibit 508.
 12 Q. Mr. Castillo, do you recognize this individual?
 13 A. Yes, that's P-Mula.
 14 MR. HOBSON: Your Honor, we move to introduce 508 into
 15 evidence.
 16 MS. MACEDONIO: No objection.
 17 THE COURT: Admitted.
 18 (Government Exhibit 508 received in evidence)
 19 MR. HOBSON: Ms. Abrams, please publish.
 20 Thank you. You can take it down now.
 21 Q. Mr. Castillo, where did this attempted robbery take place?
 22 A. 215 and Tenth Avenue.
 23 Q. Is that in Manhattan?
 24 A. Yes. It's in Dyckman.
 25 Q. It's in Dyckman?

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1 A. Yes.
 2 Q. Who was the intended victim of that robbery?
 3 A. Some scammer kid from Hunts Point.
 4 Q. What was the plan?
 5 A. He had a chain that said Hunts Point family and a
 6 buzzed-down red face Rolex, and he had a, like, \$6,000 on him
 7 and we was going to rob him.
 8 (Continued on next page)

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1 Q. How did you get him to the scene?
 2 A. I set him up with my girlfriend. He was hitting my
 3 girlfriend up on Instagram through direct message, and I told
 4 her to set up a date with him.
 5 Q. What was the plan once he arrived to the date?
 6 A. We was just going to rob him.
 7 Q. And who is the we?
 8 A. P-Mula, myself, and the defendant.
 9 Q. Did anyone have a gun?
 10 A. Yes.
 11 Q. Who?
 12 A. The defendant.
 13 Q. What kind of a gun?
 14 A. .38.
 15 Q. What happened?
 16 A. P-Mula got too close to the guy's car, so the guy seened
 17 us; and while we was trying to get out the car, he jumped up to
 18 run off. The defendant picked up the gun, and I told him,
 19 chill, don't shoot because we are not here to shoot. We are
 20 just here to rob him.
 21 Q. You told him what?
 22 A. Chill, don't shoot. We are not here to shoot him. We are
 23 just here to rob him, and the guy the away, so we didn't get to
 24 rob him.
 25 Q. Why didn't you want him to shoot?

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M532Pab6 R. Castillo - Direct

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1 A. Because it was just a simple robbery. We wasn't there to
 2 hurt the guy or anything like that. We just wanted his jewelry
 3 and his money.
 4 Q. So was that robbery ultimately successful?
 5 A. No. It was unsuccessful.
 6 Q. So that was the first time you and the defendant tried to
 7 rob someone. When was the second time?
 8 A. I had a guy, a party promoter guy.
 9 Q. Party promoter?
 10 A. Yes, promotes parties and clubs. And we was supposed to
 11 rob him for his jewelry. And we followed him from Queens to,
 12 like, almost went to Long Island, but I lost him through his
 13 taillights on the highway.
 14 Q. So were you following him in a car?
 15 A. Yes.
 16 Q. Who was with you?
 17 A. Me and the defendant.
 18 Q. Was it just you and the defendant?
 19 A. Yes.
 20 Q. What happened?
 21 A. I lost the guy -- I lost the guy through traffic, so the
 22 robbery was unsuccessful also.
 23 Q. Anybody bring a gun to that robbery?
 24 A. Yes.
 25 Q. Who?

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M532Pab6 R. Castillo - Direct

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1 A. The defendant.
 2 Q. What kind of a gun?
 3 A. I think it was a .38.
 4 Q. And approximately when did this happen?
 5 A. 2017, like January to like March, around that time, before
 6 March.
 7 Q. Were there ever times when the defendant gave you a gun to
 8 use in a robbery even if he did not go with you to commit the
 9 robbery?
 10 A. Yes.
 11 Q. Approximately how many times?
 12 A. Twice.
 13 Q. And these robberies, did you tell the defendant what you
 14 planned to do with the gun?
 15 A. Said I had to lick. I told him I had to lick and I needed
 16 a grip, meaning I had a robbery and I needed a gun.
 17 Q. So just to translate the specific words, a lick means a
 18 robbery?
 19 A. Yes.
 20 Q. And a grip means a gun?
 21 A. Yes.
 22 Q. And did he give you a gun?
 23 A. Yes.
 24 Q. You talked about robberies that you and the defendant
 25 worked on together. Did the defendant ever tell you about any

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1 other robberies he committed without you?
 2 A. Yeah, he told me he robbed a guy on, like, Dyckman and
 3 Vermilyea, for a bust-down watch, like a Rolex that he had
 4 heard was selling for 18,000 or 20,000 or something of that
 5 nature.
 6 Q. What did he tell you about that robbery?
 7 A. He say he caught a guy slipping at the red light.
 8 Q. A guy what at a red light?
 9 A. He caught a guy slipping at the red light, meaning he
 10 caught a guy that was, like, not on point, and he robbed the
 11 guy for the guy's watch, a Rolex watch.
 12 Q. What do you mean he was not on point?
 13 A. Like he was not aware of his surroundings, I guess, to put
 14 it in another terminology.
 15 Q. So what did the defendant say he did to this guy?
 16 A. He robbed the guy at gunpoint, took his watch, and pawned
 17 the watch.
 18 Q. Did there come a time when the defendant committed an
 19 assault for you?
 20 A. Yes.
 21 Q. What happened?
 22 A. I was beefing with this guy that used to be 200 and the guy
 23 was in Miami, and the defendant FaceTimed him from Miami
 24 asking, yo, you looking for this guy right here?
 25 Q. So if I understand, was the defendant in Miami at the time?

1 A. Yes.
 2 Q. And you were communicating how?
 3 A. Through FaceTime.
 4 Q. On your cell phone?
 5 A. Yes.
 6 Q. Okay. And what happened next?
 7 A. The defendant asked me was I looking for that guy, and I
 8 say yeah. He said: What do you want me to do with him?
 9 Q. And what did you tell him?
 10 A. I want you to clap him, meaning I want you to shoot him.
 11 Q. And what did the defendant say?
 12 A. He say he was in Miami. He had no gun on him. But he had
 13 a scalpel. He could cut him and beat him.
 14 Q. He had a what on him?
 15 A. Scalpel.
 16 Q. A scalpel?
 17 A. Yeah, telling me he could cut him and he could beat the
 18 guy.
 19 Q. So what happened next? Did you tell him to do that?
 20 A. Yeah. I told him I wanted to see it. He made another of
 21 the individuals with him hold up the phone while he came out
 22 the hotel, walked up on the guy and beat the guy up, and then
 23 they stripped the guy and the guy ran off and left a Porsche
 24 truck -- Porsche car that he had rented.
 25 Q. So you said that another member of the 200 was holding the

1 phone up during this, is that correct?
 2 A. I'm not actually sure who was the one holding the phone up,
 3 but it was one of the individuals that was with him in Miami on
 4 the trip.
 5 Q. So were you able to watch the assault?
 6 A. I watched it on live footage as it was happening.
 7 Q. And what did you see happen?
 8 A. I seen the defendant beat the shit out of the guy.
 9 Q. And then you said he took something. What did you say he
 10 took?
 11 A. I seen the guy run off and leave the Porsche car, and the
 12 defendant was like, he left his car. We should take this shit.
 13 Q. And did you see the defendant take the car?
 14 A. After that, I seen him standing in front of the car, and
 15 after that I hung up the FaceTime. We were just laughing about
 16 it.
 17 Q. You said the defendant had a reputation as a shooter. Did
 18 you yourself ever witness the defendant carry out a shooting
 19 for the 200?
 20 A. Yes.
 21 Q. When?
 22 A. Somewhere towards in '17.
 23 Q. Where did the shooting happen?
 24 A. By PS-5. It's a schoolyard. They was having a cookout out
 25 there, a rival gang.

1 Q. Where is the PS-5 schoolyard?
 2 A. By the Harlem River Drive.
 3 Q. Is that in 200 territory?
 4 A. Yes, it's in Dyckman.
 5 Q. And PS-5, does that stand for Public School Number 5?
 6 A. Yes.
 7 Q. What rival gang was having a cookout?
 8 A. 6-Block.
 9 Q. What happened?
 10 A. 6-Block was walking through the neighborhood.
 11 Q. Walking through the neighborhood?
 12 A. Yes.
 13 Q. And did you see them?
 14 A. Yes.
 15 Q. And what did you do?
 16 A. I went to Arden and Sherman where the defendant was at.
 17 Q. And what, if anything, did you say to the defendant?
 18 A. I told him he was looking soft, that 6-Block was running
 19 through our territory like they owned it.
 20 Q. And what did the defendant say, if anything?
 21 A. What you want me to do?
 22 Q. And what did you say?
 23 A. I said: Shoot that shit up.
 24 Q. And what happened next?
 25 A. Him and BY went and shot at them.

1 Q. I'm sorry, him and who?
 2 A. BY.
 3 Q. BY?
 4 So what did you see happen?
 5 A. I stood in the corner of Arden -- of Dyckman and Sherman ,
 6 and they walked down to where like 12th Avenue down there , and
 7 I just seen the sparks like they was shooting , and I seen them
 8 coming back up the avenue running, and they were --
 9 Q. What, if anything, did you hear when they were down at the
 10 site of the cookout?
 11 A. I heard shots.
 12 Q. Approximately how many shots did you hear?
 13 A. Like 17, 18 rounds.
 14 Q. Okay. And then what did you see after you heard the shots?
 15 A. The defendant and BY ran up the avenue and ran into the
 16 building that you showed me earlier on Arden and Sherman.
 17 Q. And what, if anything, did the defendant say?
 18 A. He said they lit it up, meaning they shot it up. And we
 19 was looking at social media and the news to see if anybody got
 20 hit, and nobody got hit and we were just laughing, saying they
 21 don't got no aim.
 22 Q. So you heard that nobody got hit?
 23 A. Well, there -- there was nobody on the news saying that
 24 they got hit and through social media we didn't see nobody
 25 claiming to get shot.

1 Q. Who were you trying to shoot?
 2 A. They was having a cookout, some members of OED, somebody I
 3 had an altercation with earlier that day and I had a fistfight
 4 with.
 5 Q. And what happened?
 6 A. Me and Milton did a drive-by shooting out of the black
 7 Mustang. I had a .38 and Milton had a '40 Glock.
 8 Q. How many times did you fire?
 9 A. I fired about three times. Milton fired about five or six
 10 times.
 11 Q. To your knowledge, did you hit anyone?
 12 A. We shot up the car that was there and we shot up the
 13 cookout. I'm not sure if I hit anybody.
 14 Q. What did you do after the shooting?
 15 A. I got chased by the police, and I lost the police on the
 16 Cross Bronx. And I went all the way to Queens and I changed
 17 the rental. But the precinct found me at the rental spot and
 18 chased us from the rental spot all the way back into Manhattan
 19 until we lost them.
 20 Q. Mr. Castillo, I would like to ask some final questions
 21 about the 200s, your involvement in the 200s, before I move on
 22 to some other topics about yourself. Okay?
 23 How long were you a member of the 200?
 24 A. Since the beginning.
 25 Q. And approximately what year was the beginning?

1 Q. And what did the defendant say about that?
 2 A. We was just laughing. I say they had no aim. They was
 3 just laughing about it.
 4 THE COURT: Why did the defendant and BY shoot at the
 5 6-Block members?
 6 THE WITNESS: Because we got problems with 6-Block.
 7 That's the rival gang we got ongoing altercation with.
 8 THE COURT: And what was the ongoing altercation based
 9 on?
 10 THE WITNESS: What I said earlier about Milton and a
 11 guy called Bam Bam.
 12 THE COURT: All right.
 13 BY MR. HOBSON:
 14 Q. Mr. Castillo, did you yourself ever carry out a shooting
 15 for the 200?
 16 A. Yes.
 17 Q. When?
 18 A. Somewhere toward '17.
 19 Q. Was anyone else with you?
 20 A. Yes.
 21 Q. Who?
 22 A. Milton.
 23 Q. What happened?
 24 A. We did a drive-by shooting in a black Mustang on 184 and
 25 Audubon.

1 A. The ending of 2012, beginning of 2013.
 2 Q. And then when did you get arrested?
 3 A. August of 2017.
 4 Q. To your knowledge, approximately how many armed robberies
 5 did members of the 200 commit during that period?
 6 A. A lot.
 7 Q. Over 20?
 8 A. Yes.
 9 Q. Over 50?
 10 A. Over 20.
 11 Q. Over 20?
 12 Approximately how many people were tortured during those
 13 robberies?
 14 A. There were five robberies only people was tortured in at
 15 that time.
 16 Q. Five?
 17 How many of the robberies involved guns being fired?
 18 A. The robbery on Academy and Nagle when I took the guy's
 19 chain and shot out the car and anything with me and BY.
 20 Q. What about other members of the 200s? Are you aware of
 21 other robberies committed by the 200s where guns were fired?
 22 A. I can't quite really remember.
 23 Q. Okay. To your knowledge, approximately how many assaults
 24 did the 200s commit?
 25 A. A lot.

1 Q. How often?
 2 A. Whenever it was needed or called for.
 3 Q. Approximately how many times a month?
 4 A. Four or five.
 5 Q. Four or five?
 6 How many shootings did the 200 do during that period ?
 7 A. Whenever -- if somebody came and disrespected us or shot at
 8 us, that's the only reason we retaliated back.
 9 Q. Approximately how often did that happen?
 10 A. It was only a couple times, not too much during the period
 11 that I was home.
 12 Q. To your knowledge, how many guns did the 200 have?
 13 A. Over ten.
 14 Q. To your knowledge, was the defendant a member of the 200s
 15 during the entire period that you were in the gang ?
 16 A. Yes.
 17 Q. Now I would like to turn to a different topic,
 18 Mr. Castillo, and ask some questions about the crimes that you
 19 have committed that did not involve the 200s.
 20 You talked about a number of crimes that you committed with
 21 the 200s, including assaults, robberies, thefts, drug dealings,
 22 and shootings. To your knowledge, how did the government find
 23 out about these crimes?
 24 A. I told them.
 25 Q. Have you committed crimes other than the crimes you have

1 already told us about?
 2 A. The crimes --
 3 Q. I'm sorry. Other than the crimes that you have already
 4 told the jury about today.
 5 A. Yes.
 6 Q. What crimes?
 7 A. Home invasions, much more robberies.
 8 Q. Any other crimes?
 9 A. Pimping, scamming, carjackings.
 10 Q. How about drugs?
 11 A. Yes, selling drugs on the street and drugs in prison.
 12 Q. I want to talk about some of these in a little more detail.
 13 Okay?
 14 You said you committed robberies other than the robberies
 15 you committed with the 200s, is that right?
 16 A. Yes.
 17 Q. What other robbery crews were you part of?
 18 A. The Hot Boys.
 19 Q. Who were the Hot Boys?
 20 A. It's a group of older guys that they do home invasions and
 21 rob pharmacies, cashiers, supermarkets. I started off with
 22 them.
 23 Q. When did you -- when were you a member of the Hot Boys
 24 crew?
 25 A. In 2008.

1 Q. How long were you a member of the Hot Boys crew?
 2 A. All the way until I got arrested and went upstate in 2011 .
 3 Q. 2011?
 4 A. Yes.
 5 Q. Approximately how many robberies did you commit with the
 6 Hot Boys?
 7 A. Home invasions, probably like 15 to 20; commercial
 8 burglaries, over a hundred.
 9 Q. For the home invasions, did you use force in those
 10 robberies?
 11 A. Yes.
 12 Q. Who were you robbing?
 13 A. Drug dealers, people that do the illegal gambling, loan
 14 sharks, people that lend money out their houses, people in that
 15 nature.
 16 Q. You testified that some of your robberies with the 200s
 17 involved torture. Did any of the robberies with the Hot Boys
 18 involve torture?
 19 A. Yes.
 20 Q. What kind of torture?
 21 A. Putting hot iron on people, suffocation, drowning .
 22 Q. Did you use guns in those robberies?
 23 A. Yes.
 24 Q. How often?
 25 A. Every single one of them.

1 Q. Did you ever fire the guns in those robberies?
 2 A. No.
 3 Q. You said you committed over a hundred commercial
 4 burglaries. What kind of establishments?
 5 A. Pharmacies, cashiers, supermarkets, restaurants,
 6 warehouses, liquor stores, clubs.
 7 Q. Did you use force when you robbed those establishments or
 8 burglarized those establishments?
 9 A. No.
 10 Q. Were there any other robber y crews you were a member of
 11 other than the 200 and the Hot Boys crew?
 12 A. Yeah, it was some -- some girl I used to hang out with
 13 named Samantha Batista.
 14 Q. When were you a member of Samantha Batista's crew?
 15 A. I wasn't actually a member of her crew, but I hung out with
 16 her, so we joined forces summer 20 -- ending of 2016 throughout
 17 the whole 2017 up to the summer when we started having
 18 problems.
 19 Q. Were you still a member of the 200s during that time?
 20 A. Yes.
 21 Q. How many robberies did you commit with Samantha Batista's
 22 crew?
 23 A. Home invasions, probably like three to four ; commercial
 24 burglaries, over 20.
 25 Q. And the home invasions, again, did you use force in those

1 home invasions?
 2 A. No, there was nobody there.
 3 Q. In any of them?
 4 A. None of them.
 5 Q. Okay. And who were you robbing?
 6 A. Drug dealers and party promoters.
 7 Q. What did you steal?
 8 A. Heroin, marijuana, jewelry, and large sums of cash.
 9 Q. Did you use guns in those robberies?
 10 A. In two of them.
 11 Q. Did you fire the guns in those robberies?
 12 A. No.
 13 Q. For the commercial burglaries you committed with Samantha
 14 Batista's crew, did you use force in any of those burglaries?
 15 A. No.
 16 Q. What kind of places did you burglarize?
 17 A. Pharmacies, supermarkets.
 18 Q. And what did you steal?
 19 A. From the pharmacies, the prescription medication, money,
 20 and from the supermarkets, just the money.
 21 Q. In total, putting together all the robberies you committed
 22 with these different crews and any robberies you committed
 23 alone, approximately how many robberies have you committed in
 24 your life?
 25 A. Over a hundred robbery, and burglaries over 200.

1 Q. You mentioned car theft. How many cars did you steal?
 2 A. Not that many, probably like six or seven.
 3 Q. How did you steal the cars?
 4 A. People hop out in the clubs to leave it to valet parking, I
 5 jump in the cars and leave.
 6 Q. Did you use force?
 7 A. No.
 8 Q. You mentioned scamming. What do you mean by scamming?
 9 A. I was scamming hotel rooms, airline tickets, gasoline,
 10 food.
 11 Q. How did those scams work?
 12 A. Through my phone. I would just like punch it in.
 13 Q. Punch what in?
 14 A. The credit card shit. I wasn't doing it myself. I was
 15 getting the young kids, the 200 niggers. I was paying them to
 16 do it for me when I needed hotel rooms, airline tickets, and
 17 things of that nature, I needed gasoline for my car, I was
 18 trying to get food, things like that.
 19 Q. So if I'm understanding, you are saying that other 200s
 20 people would give you some sort of information?
 21 A. I would pay them to put money in the Bitcoin machine--
 22 Q. In the Bitcoin machine?
 23 A. Yes, and have them scam it for me.
 24 Q. How would they scam it?
 25 A. Tell you the truth, I don't know. I don't understand that

1 scamming thing.
 2 Q. But you knew that they were getting it through scamming.
 3 A. Yes.
 4 Q. By which you, I think, said you mean by fraud?
 5 A. Yes.
 6 Q. You also mentioned pimping. What was your involvement in
 7 pimping?
 8 A. My girlfriend at the time, she had a girl she was pimping,
 9 and I used to loan them my car so they could go do what they
 10 was doing. And sometimes I dropped off at hotels in Yonkers
 11 and Westchester, and then I would pick them back up.
 12 Q. Did you get paid?
 13 A. No, but my girl was splitting her proceeds with me
 14 sometimes.
 15 Q. Did you ever use force in service of her pimping?
 16 A. Nah, it wasn't my thing. It was her thing.
 17 Q. But you knew what she was doing?
 18 A. Yes.
 19 Q. Finally, you testified earlier that you were arrested in
 20 2017 for kidnapping. What happened in that kidnap?
 21 A. I went to kidnap a guy for 50 bricks of cocaine.
 22 Q. You went to what a guy for 50 bricks of cocaine?
 23 A. I went to do a robbery for 50 bricks of cocaine and I was
 24 set up, so I kidnapped the guy I felt like set me up.
 25 Q. Did you do this kidnapping with anyone else?

1 A. Yes.
 2 Q. Who?
 3 A. With Lefty and some other guy named Chopper.
 4 Q. Do you know Lefty's real name?
 5 A. Louis, and I don't know his last name.
 6 Q. Okay.
 7 What happened -- how did you kidnap this individual who you
 8 felt set you up?
 9 A. We set him up. We told him that we wanted to speak to him
 10 because we wanted to speak to him about the robbery. Once we
 11 got in the car with him, we made him drive us to Dyckman to a
 12 location where we was in a parking lot. We jumped out the car,
 13 racked out the gun on him. He tried to run off. I chased the
 14 guy. I beat the guy down, dragged him back in the car. We got
 15 on the highway. We shot two rounds in the car so to scare the
 16 guy, having -- get him talking. He wouldn't talk, so I beat
 17 him so bad that he wouldn't -- he wasn't really too conscious,
 18 so I threw him -- we threw him out of the car doing like 60
 19 miles per hour in the Major Deegan.
 20 Q. You threw him out of the car?
 21 A. Yes.
 22 Q. On to the Major Deegan Expressway?
 23 A. Yes.
 24 Q. So of the crimes that you just talked about, were you
 25 arrested for all of them or just some of them?

1 A. I was arrested for kidnapping, conspiracy to kidnapping,
 2 and brandishing and discharge.
 3 Q. In connection with that kidnapping?
 4 A. Yes.
 5 Q. And by brandishing and discharge, you mean brandishing and
 6 discharging a firearm?
 7 A. Yes, pulling out a firearm and shooting it.
 8 Q. For the crimes you told us about that you weren't arrested
 9 for, to your knowledge, how did the government find out about ?
 10 A. I told them about it.
 11 Q. Does that include the robberies?
 12 A. Yes.
 13 Q. Does that include the gunpoint robberies?
 14 A. Yes.
 15 Q. Does that include the robberies where you used torture ?
 16 A. Yes.
 17 Q. Did you plead guilty to some of the crimes you just talked
 18 about?
 19 A. I pled guilty to all the crimes I spoke about.
 20 Q. I want to turn to your time in federal prison. Okay?
 21 While in prison, have you gotten in any fights?
 22 A. Yes.
 23 Q. What happened?
 24 A. I fought on the floor -- on the floor with TVs, microwaves,
 25 phones.

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1 Q. Have you had any disciplinary issues for obeying orders?
 2 A. Yes.
 3 Q. What happened?
 4 A. I disrespected a female over a fire drill.
 5 Q. A female who?
 6 A. A female officer.
 7 Q. Corrections officer?
 8 A. Yes.
 9 Q. What happened?
 10 A. I called her a bitch, called out her name. And she was
 11 under investigation and I helped out on the investigation. I
 12 told her I should have let her get fired, and she wrote me a
 13 ticket and got me kicked out of the jail for that.
 14 Q. While you have been in prison since your federal arrest in
 15 2017, did you commit any crimes?
 16 A. Yes.
 17 Q. What crimes?
 18 A. I sold drugs, I had knives, and I had cell phones .
 19 Q. While in prison?
 20 A. Yes.
 21 Q. What kind of drugs did you sell in prison?
 22 A. K2, marijuana, and Suboxones.
 23 Q. When were you doing this?
 24 A. When I was at MDC in 2017, when I was in GEO in 2018, 2019,
 25 2020.

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1 Q. What is GEO?
 2 A. It's a cooperator facility in Queens, a private facility.
 3 Q. A private prison facility?
 4 A. Yes.
 5 Q. You said it's a cooperator facility. What do you mean by
 6 that?
 7 A. That's where they house the cooperators at.
 8 Q. So when you were selling drugs at GEO, had you already
 9 entered into your cooperation agreement?
 10 A. Yes.
 11 Q. Did there come a time when the government confronted you
 12 about these crimes you were committing in jail?
 13 A. Yes.
 14 Q. What did you say when the government confronted you with
 15 your involvement in these crimes?
 16 A. I admitted to them truthfully.
 17 Q. To your understanding, will the judge know about that
 18 conduct at sentencing?
 19 A. Yes.
 20 Q. Since being in jail, have you seen any people you
 21 previously committed crimes with?
 22 A. Yes.
 23 Q. Who?
 24 A. I seen Dinaro, I seen Grim. That's it. I seen other
 25 people, but not people I committed crimes with. Oh, I seen

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1 Lefty. I seen P-Mula.
 2 Q. Let's talk about them for a second.
 3 When did you see Lefty?
 4 A. I seen Lefty in jail.
 5 Q. Did you ever talk to Lefty?
 6 A. Yes.
 7 Q. What did you talk to him about, if anything?
 8 A. About breaking and about a chain that I had pawned on one
 9 of his friend's name, and the guy had took it out and I was
 10 trying to get the chain back I was telling him about .
 11 Q. Did you ever talk to Lefty about the defendant?
 12 A. No.
 13 Q. Did you ever send Lefty letters in prison?
 14 A. Yes.
 15 Q. What were those letters about?
 16 A. About the chain, about breaking, about us when we go home
 17 chilling together. The letters was handed over to the
 18 prosecution.
 19 Q. Did you talk about your cooperation with Lefty ?
 20 A. I'm not actually sure, but I don't think so.
 21 Q. You said you talked to P-Mula in prison. When did you see
 22 P-Mula?
 23 A. I seen P-Mula in GEO also.
 24 Q. What did you talk about, if anything?
 25 A. Me and P-Mula was beefing. We was having problems.

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1 Q. Why?
 2 A. Because I robbed P-Mula in the street for his chain .
 3 Q. Did you rob P-Mula for his chain?
 4 A. Yes.
 5 Q. And when you saw P-Mula in prison, what did he say to you ?
 6 A. He really didn't say much.
 7 Q. What did you say to him?
 8 A. I really didn't say much neither, until later on we started
 9 to get into arguments and shit like that.
 10 Q. How would you describe your relationship with P-Mula in
 11 prison?
 12 A. Not good.
 13 Q. Did you and P-Mula ever talk about this case?
 14 A. No.
 15 Q. Did you ever talk about the defendant?
 16 A. No.
 17 Q. Did you ever talk about your cooperation?
 18 A. No.
 19 Q. You said you were arrested in August 2017 for the federal
 20 kidnapping. When you were first arrested, were you questioned
 21 by the DEA?
 22 A. Yes.
 23 Q. In general, what did you tell them in that first meeting?
 24 A. My involvement in the kidnapping only.
 25 Q. But did you tell them about your involvement in the

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1 kidnapping?
 2 A. Yes.
 3 Q. How long was that meeting?
 4 A. About 30 to 45 -- 40 minutes.
 5 Q. In that meeting -- after your arrest, did you meet with
 6 prosecutors and law enforcement?
 7 A. Yes.
 8 Q. Did you meet on one occasion or on many occasions?
 9 A. Many occasions.
 10 Q. Was your attorney present for these first meetings with the
 11 government?
 12 A. My attorney was present for every meeting with the
 13 government.
 14 Q. Do you mean every meeting you have had with the government
 15 or just the ones prior to your cooperation agreement ?
 16 A. My attorney was present for every meeting I had with the
 17 government except for the first one with the DEA.
 18 Q. Well, have you met with the government since entering into
 19 your cooperation agreement?
 20 A. Yes.
 21 Q. Have you met with the government in preparation for this --
 22 your testimony today?
 23 A. Yes.
 24 Q. Was your attorney with you at all of those meetings?
 25 A. Only for the first one.

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1 Q. But so I want to now focus on the meetings that you had
 2 prior to entering your cooperation agreement. Okay?
 3 A. Yes.
 4 Q. Over the course of approximately how many months did those
 5 original meetings happen?
 6 A. From February of 2018 through almost like the summer of
 7 2018.
 8 Q. How many people did you provide information about
 9 approximately?
 10 A. Numerous of people.
 11 Q. Numerous?
 12 A. Yes.
 13 Q. In these meetings, what, if any, materials did the
 14 government show you?
 15 A. Videos, pictures, Instagram, things of that nature. Oh,
 16 text messages.
 17 Q. With respect to video, approximately how many videos do you
 18 remember the government showing you?
 19 A. Well, I remember this one video that was blurry and I
 20 couldn't really tell what it was.
 21 Q. What kind of video was that?
 22 A. Like a shooting that happened on Academy and I couldn't
 23 really tell the individuals.
 24 Q. Do you remember seeing any other videos with the
 25 government?

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1 A. Yeah, videos got off my phone and things like that.
 2 Q. The video, the blurry video you saw, you remember seeing,
 3 was that off your phone or something the government showed you
 4 that --
 5 A. No, that was something the government showed me.
 6 Q. Had you seen it before?
 7 A. No.
 8 Q. With respect to the photographs, approximately how many
 9 photographs do you remember the government showing you?
 10 A. Over a hundred.
 11 Q. Did you eventually enter into a cooperation agreement with
 12 the government?
 13 A. Yes.
 14 Q. Was that agreement oral or in writing?
 15 A. In writing.
 16 Q. Did you review that agreement with your attorney ?
 17 A. Yes.
 18 Q. Did you sign that agreement?
 19 A. Yes.
 20 Q. After you signed it, did you plead guilty to the crimes we
 21 discussed earlier?
 22 A. Yes.
 23 Q. Have you been sentenced?
 24 A. No.
 25 Q. What is the maximum possible prison sentence you could

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1 receive for these crimes?
 2 A. Life.
 3 Q. Is there a mandatory minimum?
 4 A. Yes.
 5 Q. What's your understanding of what that mandatory minimum
 6 is?
 7 A. My mandatory minimum right now is 37 years.
 8 Q. Who will sentence you for your crimes?
 9 A. The judge.
 10 Q. Who decides your sentence?
 11 A. The judge.
 12 Q. Will anyone else decide your sentence?
 13 A. No.
 14 Q. What is your understanding of what you have promised to do
 15 under the agreement you signed with the government?
 16 A. I got to tell the truth.
 17 Q. The truth about what?
 18 A. Every crime I have committed and every crime I know of
 19 Q. If you live up to your side of the agreement, what is your
 20 understanding of what the government will do?
 21 A. I will get some leniency in my sentencing.
 22 Q. What will the government do for you?
 23 A. Oh, they will write me a 5K1 letter.
 24 Q. What is your understanding of what information will be in a
 25 5K1 letter?

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1 A. They will apply all the information I gave the government,
 2 they will let -- also say all bad stuff I did in the past and
 3 while I was incarcerated.
 4 Q. Since you pled guilty, have you continued to meet with the
 5 government as part of your cooperation?
 6 A. Yes.
 7 Q. In general terms, what have been the top ics of your
 8 meetings with the government?
 9 A. The crimes I committed and trial.
 10 Q. Did the government make any promises to you about what
 11 sentence you will receive if you cooperate fully?
 12 A. No.
 13 Q. Has anyone made any promises to you about what your
 14 sentence will be?
 15 A. No.
 16 Q. As far as you understand it, will the government recommend
 17 a specific sentence for you?
 18 A. No.
 19 Q. Are you hoping to get a lower sentence because you
 20 cooperate?
 21 A. Yes.
 22 Q. What sentence are you hoping to get?
 23 A. Anything under 37 years.
 24 Q. Do you know one way or the other whether you will in fact
 25 receive a lesser sentence because you cooperated?

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M532Pab6 R. Castillo - Direct

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1 A. No.
 2 Q. As you understand it, just because the judge receives that
 3 5K letter from the government, is the judge required to
 4 sentence you to less prison time?
 5 A. No.
 6 Q. As you understand it, what could happen if you were to lie
 7 here today?
 8 A. I get 37 years.
 9 Q. What do you mean?
 10 A. My 5K1 letter, I will not get the 5K1 letter, my
 11 cooperation agreement will be ripped up, and I will be stuck
 12 with 37 years.
 13 Q. Do you get to take your plea back?
 14 A. No.
 15 Q. To your understanding, does the verdict in this trial have
 16 any effect on whether you receive a 5K1 letter?
 17 A. No.
 18 MR. HOBSON: One moment, your Honor.
 19 THE COURT: Yes.
 20 (Counsel confer)
 21 MR. HOBSON: No further questions, your Honor.
 22 THE COURT: All right. Thank you.
 23 Cross-examination.
 24 We will do about a half hour. We will end at quarter
 25 to five.

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M532Pab6 R. Castillo - Cross

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1 MS. MACEDONIO: Okay. Thank you, your Honor.
 2 CROSS-EXAMINATION
 3 BY MS. MACEDONIO:
 4 Q. Good afternoon, Mr. Castillo.
 5 A. Good afternoon.
 6 Q. You testified on direct examination that you have met with
 7 the government on several occasions. Is that fair to say?
 8 A. Yes.
 9 Q. And you started meeting with the government in August of
 10 2017, right?
 11 A. Yes.
 12 Q. So you testified that you were a founding member of a group
 13 you call the 200, right?
 14 A. Yes.
 15 Q. And you founded that organization while you were in prison,
 16 right?
 17 A. Yes.
 18 Q. And you founded it with people that you knew for several
 19 years, correct?
 20 A. Yes.
 21 Q. In fact, Milton Chardon, he was, you said, one of your best
 22 friends?
 23 A. Yes.
 24 Q. Was he in fact your very best friend?
 25 A. Yes.

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1 Q. Were your mother and his mother best friends?
 2 A. Yes.
 3 Q. And did you grow up with Milton as a brother?
 4 A. Yes.
 5 Q. Okay. But yet the minute you are arrested on a federal
 6 case, you begin to cooperate, right?
 7 A. Yes.
 8 Q. Okay. So despite all of your loyalty and your brotherhood,
 9 the minute you have the opportunity, you turn on everyone,
 10 correct?
 11 A. No.
 12 Q. No? Did you hold back on people?
 13 A. No, I didn't.
 14 Q. No, you didn't. You told them everything about everybody,
 15 right?
 16 A. Yeah.
 17 Q. Okay. Even though you were a Big 200, right?
 18 A. Yeah.
 19 Q. Okay. And do you remember, Mr. Castillo, that you met with
 20 the government several times in 2017?
 21 A. Yes.
 22 Q. And then you met with them several times more in 2018,
 23 correct?
 24 A. Yes.
 25 Q. And you continued to meet with them in 2019, right?

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1 A. Yes.
 2 Q. 2020, correct?
 3 A. Yes.
 4 Q. 2021?
 5 A. Yes.
 6 Q. And 2022.
 7 A. Yes.
 8 Q. In fact, you met with them numerous times just to prepare
 9 your testimony in this case, correct?
 10 A. Yes.
 11 Q. Okay. And so you first met with prosecutors who weren't
 12 even at this table, right?
 13 A. Yes.
 14 Q. About four years ago, correct?
 15 A. Give or take, yeah.
 16 Q. And then as the years went on, those prosecutors were no
 17 longer present at the meetings and now you have this group of
 18 prosecutors, correct?
 19 A. Yes.
 20 Q. And during the course of those meetings, did you discuss
 21 with them an individual you know as Lefty?
 22 A. Yes.
 23 Q. And did you tell them that you first met Lefty in 2005?
 24 A. I don't remember when I told them I met Lefty.
 25 Q. You don't remember when you told them you met Lefty?

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1 A. No.
 2 Q. Well, when did you meet Lefty?
 3 A. I know Lefty since I was a kid.
 4 Q. So would it be fair to say that you could have met him in
 5 2005?
 6 A. Probably.
 7 Q. Sorry?
 8 A. Probably.
 9 Q. Okay. When were you born?
 10 A. 1991.
 11 Q. So that would make you about 14 years old when you met
 12 Lefty. Does that sound right?
 13 A. Yeah.
 14 Q. And you were friends with Lefty, right?
 15 A. Yes.
 16 Q. And some of the pharmacy robberies that you talked about
 17 you committed with Lefty, correct?
 18 A. In my early pharmacy days, yeah.
 19 Q. Okay. But you committed pharmacy robberies with Lefty,
 20 right?
 21 A. Like one or two.
 22 Q. Five maybe?
 23 A. I don't think -- I don't know.
 24 Q. You don't think so.
 25 Can you please bring up 3503-46.

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1 THE COURT: It's up.
 2 MS. MACEDONIO: Sorry. I just need to get -- it's
 3 several pages, your Honor.
 4 THE COURT: All right.
 5 MS. MACEDONIO: Can you please bring up page 2.
 6 Q. Do you see at the top of that, Mr. Castillo, the first
 7 line?
 8 THE COURT: Just read it to yourself, sir.
 9 A. Yes.
 10 Q. Does that refresh your recollection about the number of
 11 times you told the government that you did pharmacies with
 12 Lefty?
 13 A. Four.
 14 Q. Four. Okay.
 15 Did you also break with Lefty?
 16 A. Yes.
 17 Q. And you told the government that you used to chill with
 18 Lefty, correct?
 19 A. Yes.
 20 Q. In other words, you used to hang out with him. You were
 21 friends, right?
 22 A. Yes.
 23 Q. You told the government that on several occasions you saw
 24 Lefty with guns, right?
 25 A. Yes.

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1 Q. Did you see Lefty with guns on the day of the kidnapping of
 2 Miguel, the kidnapping that you and Lefty got arrested for ?
 3 A. Yes.
 4 Q. Did you see Lefty with guns at the Club Clip, that robbery?
 5 A. I don't. . .
 6 Q. Do you remember? We will go into it some more later.
 7 Do you remember that you told the government that Lefty
 8 would bring guns to the Interboro or Friday night ?
 9 A. No.
 10 Q. No? You didn't tell them that?
 11 A. I don't remember that.
 12 Q. Did you tell them that he would bring guns and have
 13 Shorty Mac hold them?
 14 A. To where?
 15 Q. To the Interboro bike riding on Friday nights.
 16 A. I don't remember.
 17 Q. You don't remember telling him that?
 18 A. I don't remember that occurred, telling them that.
 19 Q. You don't remember that period, okay.
 20 How about the dispute that you had with Lefty over
 21 Percocets? Did you see Lefty with a gun on that occasion?
 22 A. Yes.
 23 Q. Do you remember telling the government that you were
 24 advised that Lefty, along with some others, had kidnapped
 25 someone, brought him to a hotel in Yonkers, and burned him with

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1 cigarettes?
 2 A. Yes.
 3 Q. Do you remember telling the government that Lefty had put a
 4 cigarette in that victim's eye?
 5 A. Yes.
 6 Q. You also talked about an individual named P-Mula on your
 7 direct examination, right?
 8 A. Yes.
 9 Q. And is P-Mula a Trini?
 10 A. A what.
 11 Q. A Trini?
 12 A. What that?
 13 Q. Is he a gang member?
 14 A. I think so, yeah.
 15 Q. What gang is he a member of?
 16 A. Trinitario.
 17 Q. Right. Are they also called the Trinis?
 18 A. Yeah.
 19 Q. So you know what a Trini is.
 20 A. I couldn't understand what you were saying.
 21 Q. Okay. Do you understand me now?
 22 (Pause)
 23 Q. Do you understand me now, sir?
 24 A. Yes.
 25 Q. And you said -- withdrawn.

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1 Do you recall telling the government that P-Mula
 2 wasn't a 200, but he would run to the 200s if he had trouble?
 3 A. Yes.
 4 Q. What about Lefty, just going back a little bit? Was Lefty
 5 a member of a gang?
 6 A. Trinitario.
 7 Q. He was a Trinitario, too?
 8 A. Yes.
 9 Q. A Trini?
 10 A. Yes.
 11 Q. Do you remember telling the government that you met P-Mula
 12 also in 2005?
 13 A. I'm not sure.
 14 Q. Okay. That would make you about 14. Does that make sense
 15 to you?
 16 A. Probably.
 17 Q. Okay. And do you remember telling the government that you
 18 were close to P-Mula?
 19 A. Yes.
 20 Q. That you broke with P-Mula including out of town?
 21 A. Yes.
 22 Q. We will go into it in greater detail later, but tell me
 23 where out of town you broke with P-Mula.
 24 A. Pittsburgh.
 25 Q. Pittsburgh?

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1 That's it? Any other place?
 2 A. Delaware.
 3 Q. Delaware?
 4 Any other place?
 5 A. Miami.
 6 Q. Miami.
 7 Any other place?
 8 A. In the city, New York City.
 9 Q. The city, New York City, is that correct?
 10 A. Yeah, in New York City.
 11 Q. Okay. How about North Carolina?
 12 A. I don't remember.
 13 Q. No?
 14 How about California?
 15 A. No.
 16 Q. South Carolina?
 17 A. No.
 18 Q. Georgia?
 19 A. No.
 20 Q. Any other state than the ones you have already mentioned ?
 21 A. No.
 22 Q. Okay. Do you remember telling the government that P-Mula
 23 was carrying guns every day when you were released from jail to
 24 protect his extensive jewelry?
 25 A. Yes.

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1 Q. Do you remember telling the government that he had a
 2 two-shot Dillinger and a .40?
 3 A. Yes.
 4 Q. I'm going to go back a little bit, Mr. Castillo, just to
 5 talk about your background. Okay? Okay?
 6 A. Yes.
 7 Q. You have already testified that you were born in 1991,
 8 correct?
 9 A. Yes.
 10 Q. And you lived in the Dominican Republic from 2001 to 2005,
 11 is that right?
 12 A. Yes.
 13 Q. Why were you living in the Dominican Republic?
 14 A. My family sent me out there.
 15 Q. Did your mother send you there because you kept getting
 16 kicked out of school?
 17 A. Yes.
 18 Q. And so your mom sent you to live with some family members
 19 in the Dominican Republic, right?
 20 A. Yes.
 21 Q. Because she couldn't handle you, right?
 22 A. Yes.
 23 Q. And that then by 2004, when you were about 14 years old,
 24 you left school in the Dominican Republic and just started
 25 hanging out on the streets, correct?

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1 A. Yes.
 2 Q. Okay. And you were just smoking weed on the streets in the
 3 Dominican Republic, correct?
 4 A. I don't remember.
 5 Q. Sorry?
 6 A. I don't remember.
 7 Q. You don't remember if, when you dropped out of school in
 8 the Dominican Republic, and you were hanging out on the
 9 streets, if you were smoking marijuana?
 10 A. No, I don't remember.
 11 Q. Okay, well, what were you doing when you were hanging out
 12 on the streets in the Dominican Republic after quitting school
 13 for the second time?
 14 A. I wasn't quitting school. I got kicked out of school.
 15 Q. You got kicked out of school again in the Dominican
 16 Republic?
 17 A. Yes.
 18 Q. Okay. So what were you doing after you got kicked out of
 19 school in the Dominican Republic while you were hanging out on
 20 the streets?
 21 A. I don't recall. I was too young.
 22 Q. Okay. Is it fair to say, though, that at some point your
 23 uncle, who you were living with in the Dominican Republic, sent
 24 you back to your mother?
 25 A. Yes.

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1 Q. He couldn't handle you either, fair to say?
 2 A. No.
 3 Q. So --
 4 A. Not fair to say.
 5 Q. Why did he send you back?
 6 A. Because my mother requested me back.
 7 Q. Okay. Because you weren't going to school, right?
 8 A. Because my mother requested me back.
 9 Q. But you weren't going to school, right?
 10 A. No.
 11 Q. Okay. And then you came back here and you started to go to
 12 school again, correct?
 13 A. Yes.
 14 Q. And now this is -- you are in about the sixth grade?
 15 A. Probably. I don't remember.
 16 Q. And you started stealing things from the other students,
 17 correct?
 18 A. Yes.
 19 Q. And were you stealing with June?
 20 A. Yes.
 21 Q. And Juri?
 22 A. Who.
 23 Q. Juri, J-U-R-I?
 24 A. You mean Juvi?
 25 Q. Juri? How are you saying it? Perhaps you are not

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1 understanding me.
 2 Who were you stealing with?
 3 A. I was stealing with June and Juvi.
 4 Q. Juie?
 5 THE COURT: Juvi.
 6 Q. Okay. Juvi.
 7 How about somebody named Pure?
 8 A. Puré, yes.
 9 Q. I'm sorry?
 10 A. Yes.
 11 Q. And you were stealing from the other students, right?
 12 A. Yes.
 13 Q. And you were stealing things like their laptops, right?
 14 A. Yes.
 15 Q. Their phones?
 16 A. Yes.
 17 Q. Their personal possessions?
 18 A. Yes.
 19 Q. Okay. And eventually you got expelled from that school,
 20 too, right?
 21 A. What did you say?
 22 Q. You got expelled from that school, too?
 23 A. Yes.
 24 Q. Okay. And you got arrested a few times during this time
 25 period around 2006, correct?

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1 A. Yeah, think so.
 2 Q. But you just got sent home from the precinct for those
 3 things?
 4 A. Yes.
 5 Q. You were jumping kids and stealing their property?
 6 A. Yes.
 7 Q. And you grabbed someone's cell phone on the sidewalk?
 8 A. Yes.
 9 Q. And then in 2007 you stole somebody's dirt bike, right?
 10 A. Yes.
 11 Q. That was more problematic. You didn't just get sent home
 12 from the precinct, did you?
 13 A. I didn't get sent home from the precinct I went to
 14 Spofford.
 15 Q. Right. You went to a reformatory school, right?
 16 A. Yes.
 17 Q. And how long were you supposed to be there?
 18 A. Like 12 to 18 months.
 19 Q. 12 to 18 months. Okay.
 20 But while you were there, you got caught with a cell phone,
 21 correct?
 22 A. Yes.
 23 Q. And money?
 24 A. Yes.
 25 Q. How did you get that money?

1 A. I was selling drugs on campus.
 2 Q. You were selling drugs on campus, right?
 3 A. Yes.
 4 Q. So --
 5 THE COURT: On the campus of Spofford?
 6 THE WITNESS: No. I was in a program called Graham
 7 Wyndham.
 8 THE COURT: Graham Wyndham?
 9 THE WITNESS: Yes.
 10 BY MS. MACEDONIO:
 11 Q. So during your time at Graham Wyndham, you were allowed to
 12 go home on the weekends, right?
 13 A. Yes.
 14 Q. And when you went home on the weekends, you would buy weed,
 15 correct?
 16 A. Yes.
 17 Q. And you would bring it back to sell it, correct?
 18 A. Yes.
 19 Q. On the campus.
 20 A. Yes.
 21 Q. You knew that was illegal, right?
 22 A. Yes.
 23 Q. You knew you weren't supposed to be doing that, right?
 24 A. Yes.
 25 Q. Also on the weekends you were doing robberies of small

1 businesses, correct?
 2 A. Sometimes.
 3 Q. With Boy?
 4 A. Yes.
 5 Q. And is this how you got the money to buy the weed to bring
 6 back to Graham Wyndham?
 7 A. Sometimes.
 8 Q. Sometimes? How did you get it the other times?
 9 A. My family.
 10 Q. So sometimes you would sell drugs, sometimes your family
 11 would give it to you, and that's how you had money, right?
 12 A. Yes.
 13 Q. But when they discovered this, you ran away from Graham
 14 Wyndham, correct?
 15 A. Yes.
 16 Q. And where did you go then?
 17 A. To the streets.
 18 Q. You went to the streets. Did you go to live with your
 19 aunt?
 20 A. Yes.
 21 Q. And that would be Brian Castillo's mother?
 22 A. Yes.
 23 Q. And where does she live?
 24 A. On Kingsbridge Terrace.
 25 Q. At or about the same time when you are selling drugs, you

1 are also using drugs, correct?
 2 A. Yes.
 3 Q. When did you start using drugs?? How old were you?
 4 A. I don't remember.
 5 Q. Well, were you ten?
 6 A. No, I don't think so.
 7 Q. Did you start using in the Dominican Republic?
 8 A. I don't remember.
 9 Q. Okay. Were you using when you got back from the Dominican
 10 Republic?
 11 A. Yes.
 12 Q. And you got back from the Dominican Republic in about 2005,
 13 correct?
 14 A. Yeah, I think so.
 15 Q. And what were you using, what kind of drugs were you using
 16 then?
 17 A. Marijuana.
 18 Q. Just marijuana?
 19 A. Yes.
 20 Q. Okay. But as you got older, you started to use all sorts
 21 of other drugs. Fair to say?
 22 A. Just Percocets and promethazine.
 23 Q. Just Percocets and?
 24 A. Promethazine.
 25 Q. What is that?

1 A. Cough syrup, promethazine with codeine.
 2 Q. Okay. So you call it lean, right?
 3 A. Yes.
 4 Q. And that's something that you stole from pharmacies?
 5 A. Yes.
 6 Q. What kind of high would that give you?
 7 A. Say it again.
 8 Q. What kind of high would that give you? What would it do
 9 for you that you wanted to take it?
 10 A. It would like put me slower.
 11 Q. Make you slower? Mess you up --
 12 A. Yes.
 13 Q. -- right?
 14 A. Yes.
 15 Q. Make you feel good?
 16 A. Yes.
 17 Q. Same with the marijuana?
 18 A. Yes.
 19 Q. What about K2? When did you start using K2 ?
 20 A. In prison.
 21 Q. In prison. That's the first time you ever used K2 ?
 22 A. Yes.
 23 Q. What about Suboxone?
 24 A. In prison.
 25 Q. In prison.

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1 So you had two drug uses, is that it? Did I miss
 2 anything? Any other drugs you have used?
 3 A. (Shaking head).
 4 Q. How about heroin?
 5 A. Never.
 6 Q. Never. You sold heroin, right?
 7 A. Yes.
 8 Q. Crack? Did you ever use crack?
 9 A. Never.
 10 Q. But you sold crack, right?
 11 A. Yes.
 12 Q. Cocaine?
 13 A. Never.
 14 Q. But you sold cocaine, right?
 15 A. Yes.
 16 Q. How about LSD, did you ever use that?
 17 A. What's that?
 18 Q. You don't know what LSD is?
 19 A. No.
 20 Q. So I guess you have never taken it. Did you ever sell it?
 21 A. (Shaking head).
 22 Q. PCP? You have to say yes or no or she can't take it.
 23 A. No, never sold it, and I never used it.
 24 Q. Okay. All right.
 25 So before you went to prison, you claim that you only

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1 used Percocets and lean and smoked weed, right?
 2 A. Yes.
 3 Q. But when you got to prison, you started using more illegal
 4 drugs, which included K2 and Suboxone, correct?
 5 A. I only used Suboxone like two, three times.
 6 Q. Okay. But you used it while you were in prison .
 7 A. Yes.
 8 Q. Right?
 9 And you smoked weed while you were in prison, right?
 10 A. Yes.
 11 Q. You used K2 while you were in prison, right?
 12 A. Yes.
 13 Q. And you knew all of those things that you were doing while
 14 you were in prison were illegal, right?
 15 A. Yes.
 16 Q. And the Percocet and the lean that you were using while you
 17 were on the streets, a lot of those you stole from pharmacies,
 18 right?
 19 A. Yes.
 20 Q. So that was illegal, too. It was illegal use and it was
 21 illegally obtained, correct?
 22 A. Yes.
 23 Q. Okay. So moving on to -- now we are going to go into 2008,
 24 you have left the reformatory school Graham Wyndham , and you
 25 are sort of on the lam. Do you know what that means ?

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1 A. No.
 2 Q. You don't know what that means? Well, you were supposed to
 3 be there, correct? And you --
 4 A. Yes.
 5 Q. And you left without permission, correct?
 6 A. Yes.
 7 Q. Okay. So were you avoiding the law at this point in 2008?
 8 A. Yes.
 9 Q. Okay. And at about that time, you were now 17 years old?
 10 A. I can't remember. Probably.
 11 Q. Okay. Well, you were born in what year?
 12 A. '91.
 13 Q. Okay. So 2008 you are about 17 years old, fair to say?
 14 A. Yeah.
 15 Q. And while you were avoiding law enforcement, you were doing
 16 burglaries of *bodegas*, right?
 17 A. Yes.
 18 Q. Restaurants, correct?
 19 A. Yes.
 20 Q. Gyms?
 21 A. Yes.
 22 Q. Small businesses?
 23 A. Yes.
 24 Q. And you were doing this with Boy, right?
 25 A. Yes.

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1 Q. Juvi?
 2 A. Yes.
 3 Q. And somebody named Glenn, correct?
 4 A. Yes.
 5 Q. About how many times do you think you did those small -time
 6 burglaries in 2008?
 7 A. Numbers of occasions.
 8 Q. Numerous occasions? Too many to count, right?
 9 A. Yeah.
 10 Q. Well, Mr. Castillo, you have never held a job, right?
 11 A. No.
 12 Q. You have never gotten out of bed in the morning, got
 13 dressed, and went in to report to anybody, correct?
 14 A. No.
 15 Q. But yet over the course of your illustrious career, you
 16 have made hundreds of thousands of dollars, right?
 17 A. Yes.
 18 Q. Okay. You testified earlier today that when you committed
 19 crimes with 200, you were supposed to be giving some of that
 20 money to support other members of 200 who had gotten arrested.
 21 Is that correct?
 22 A. Yes.
 23 Q. And you were supposed to give some of that money for their
 24 commissary, right?
 25 A. Yes.

1 Q. While they were in jail, right?
 2 A. Yes.
 3 Q. For their lawyers' fees, is that correct?
 4 A. Yes.
 5 Q. What else? Bail?
 6 A. Yes.
 7 Q. How much of the money that you made during your time as a
 8 member of 200 did you personally contribute to any of those
 9 funds?
 10 A. None.
 11 Q. None. Okay.
 12 And when you were arrested, you were a Big 200, right?
 13 A. Yes.
 14 Q. Did anybody contribute to any of those fees on your behalf ?
 15 A. Commissary.
 16 Q. Just commissary.
 17 You have a court-appointed lawyer in this case,
 18 correct?
 19 A. Yes.
 20 Q. Also in 2008, you were stealing car rims, right?
 21 A. Yes.
 22 Q. Car radios?
 23 A. Yes.
 24 Q. GPS systems from cars?
 25 A. Yes.

1 Q. Dirt bikes?
 2 A. Yes.
 3 Q. And it was about five months after you got home that they
 4 found you and they sent you to another reformatory school,
 5 right?
 6 A. Yes.
 7 Q. So all of those robberies that we just talked about in 2008
 8 you did in a five-month period, right?
 9 A. Yes.
 10 Q. Too many to count, right?
 11 A. Yeah.
 12 Q. Do you recall, sir, on any of those occasions in 2008 if
 13 you had to use force on anyone?
 14 A. On none of them.
 15 Q. None of them?
 16 Did you have a gun during that time period?
 17 A. None of them.
 18 Q. None of them.
 19 Did any of the people that you were committing these
 20 burglaries with, did they have guns?
 21 A. None of them.
 22 Q. None of them.
 23 So what happens when you go back to the new reform school?
 24 Where was that?
 25 A. Highland.

1 Q. Highland?
 2 A. Yes.
 3 THE COURT: Approximately how old are you when you
 4 went to Highland?
 5 THE WITNESS: I'm not really sure. It was around 2008
 6 and I was only there for six months. Came out 2009.
 7 Q. Is that 17 --
 8 THE COURT: Approximately how old were you then.
 9 THE WITNESS: 17?
 10 THE COURT: All right. Thank you.
 11 BY MS. MACEDONIO:
 12 Q. And you came home when?
 13 A. Come again?
 14 Q. When did you come home? I'm sorry.
 15 A. May or June of 2009.
 16 Q. Okay. And despite the fact that you had now been sent to
 17 two reformatory schools, when you came home, you weren't
 18 reformed, were you?
 19 A. Come again?
 20 Q. I'm sorry?
 21 A. I said come again?
 22 Q. You weren't reformed, right? You didn't become a
 23 law-abiding citizen.
 24 A. No.
 25 Q. No. You went right back to committing crimes, correct ?

1 A. Yes.
 2 Q. And using drugs, right?
 3 A. Yes.
 4 Q. Okay. And when you came home, you started committing the
 5 pharmacy burglaries, right?
 6 A. Yes.
 7 Q. And back in this time period of 2009, who were you doing
 8 the pharmacy burglaries with?
 9 A. With June, with Andy.
 10 Q. Who?
 11 A. Andy.
 12 Q. Andy?
 13 A. With Yeyo, with Croce.
 14 Q. Who?
 15 A. Croce. With Boy, with Juvi, with Glenn.
 16 Q. How about someone named Choco Black?
 17 A. Yeah, and Choco Black.
 18 Q. Anyone else?
 19 A. That's it.
 20 Q. And you did these pharmacies from about June of 2009 until
 21 May of 2011 when you were locked up again, right ?
 22 A. Yes.
 23 Q. Okay. So tell us typically how a pharmacy burglary would
 24 work.
 25 A. Come again?

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1 Q. Can you tell us typically how a pharmacy burglary would
 2 work.
 3 A. How a pharmacy burglary what? Is performed?
 4 Q. Yes.
 5 A. Use burglary tools, crow bars, sledge hammers, axe.
 6 Q. Okay. Let me break it down. Whose plan was it to do the
 7 pharmacies? Was it sometimes yours and sometimes other
 8 people's?
 9 A. At that time it would be June's.
 10 Q. It was June's. So June was in charge at that time.
 11 A. Yes.
 12 Q. So June would pick the spots?
 13 A. Yes.
 14 Q. And would June hand out the assignments as to who was going
 15 to do what?
 16 A. No.
 17 Q. Who would do that?
 18 A. We would all just do -- put in the same work.
 19 Q. Well, some people had to be lookout, right?
 20 A. Yes.
 21 Q. And some people actually went in, right?
 22 A. Yes.
 23 Q. Some people had the tools, correct?
 24 A. We all carried tools.
 25 Q. You all carried the tools?

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1 And someone would be the driver, right?
 2 A. Yes, or one of us that goes in would usually be the driver.
 3 Q. I'm sorry?
 4 A. Or one of us that goes in would usually be the driver .
 5 Q. Okay. And sometimes, sir, would you go on to the roof of
 6 the pharmacy to get into the pharmacy?
 7 A. Yes.
 8 Q. And sometimes would you just pop the back door off the
 9 pharmacy?
 10 A. Yes.
 11 Q. How did that work? Were there special tools for that?
 12 A. Crowbar, sledge hammers, axes, chain clippers.
 13 Q. Was there something called a pump?
 14 A. Yeah, but we never used it in a burglary.
 15 Q. Never in a burglary?
 16 A. No.
 17 Q. All right. So you would -- so you said June was picking
 18 the locations, right?
 19 A. Yes.
 20 Q. And you would all go along as a crew, as a pharmacy robbery
 21 crew?
 22 A. Yes.
 23 Q. And when you got into these pharmacies, you would steal
 24 prescription drugs, correct?
 25 A. Yes.

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M532Pab6 R. Castillo - Cross

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1 Q. Lean, right?
 2 A. Yes.
 3 Q. And certainly if there was any money there , you would steal
 4 that, right?
 5 A. Yes.
 6 Q. And you would then take the drugs and resell them, is that
 7 fair to say?
 8 A. Yes.
 9 Q. Would you personally sell the drugs on the street ?
 10 A. Yes.
 11 Q. Did you also split some of drugs up so you could take them ?
 12 A. Yes.
 13 Q. How often were you taking drugs?
 14 A. Every day.
 15 Q. Every day, right? Every single day you were taking
 16 Percocets, right?
 17 A. Yeah, for a short time period.
 18 Q. Just for a short time period , but you were stealing pretty
 19 much every single day, right?
 20 A. About two three times a week.
 21 Q. Two or three times a week. Okay.
 22 THE COURT: Ms. Macedonio, why don't you find a
 23 logical point to break. You can finish this line.
 24 MS. MACEDONIO: I will finish this line.
 25 THE COURT: Sure.

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1 MS. MACEDONIO: Okay. Thank you, Judge.
 2 BY MS. MACEDONIO:
 3 Q. Other than the -- what types of prescription drugs did you
 4 take?
 5 A. Percocets and lean.
 6 Q. Nothing else.
 7 What about if there was oxycodone in there, would you take
 8 that?
 9 A. No.
 10 Q. So you would just go in and looking around saying, gee,
 11 where can we find the Percocets?
 12 A. You mean was I taking it personal use --
 13 Q. Oh, I'm sorry.
 14 A. -- or stealing it?
 15 Q. I'm sorry. We are talking about while you were in the
 16 pharmacies, what were you taking from the pharmacy?
 17 A. All the prescription medication that held value on the
 18 streets.
 19 Q. So anything of value you would take?
 20 A. Yes.
 21 Q. Anything else in the pharmacy that you would take other
 22 than the drugs?
 23 A. The money.
 24 Q. Money? Okay.
 25 Anything else?

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1 A. That's it.
 2 Q. That's it. Okay.
 3 How many burglaries of pharmacies do you think you did
 4 between 2009 and 2011 when you got locked up again?
 5 A. Probably like --
 6 Q. Sorry?
 7 A. -- 80.
 8 Q. 80.
 9 MS. MACEDONIO: Okay, your Honor. I think this is a
 10 fine point to break at.
 11 THE COURT: Ladies and gentlemen, you have had a full
 12 day except for the early morning testimony. I appreciate
 13 your -- everyone appreciates your paying attention. Keep an
 14 open mind. Don't discuss this case. Please be here tomorrow
 15 by 9:15 again. All right? Everybody 9:15. Thank you. Enjoy
 16 the evening.
 17 (Continued on next page)

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1 (Jury not present)
 2 THE COURT: You may step down, sir.
 3 (Witness not present)
 4 THE COURT: Tomorrow 9:15.
 5 MS. MACEDONIO: Thank you, Judge.
 6 (Adjourned to Wednesday, May 4, 2022, at 9:15 a.m.)
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